

ITEM 6
REVISED PROPOSED PARAMETERS AND GUIDELINES AMENDMENT
AND
STATEMENT OF DECISION

Welfare and Institutions Code Sections ~~6250 and 6600~~ through ~~6608~~ 6602

Statutes 1995, Chapter 762

Statutes 1995, Chapter 763

Statutes 1996, Chapter 4

As Modified by:

Proposition 83, General Election, November 7, 2006

Sexually Violent Predators

CSM-4509

(amended by 05-PGA-43, 12-MR-01)

Department of Finance, Requester

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BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Welfare and Institutions Sections 6250 and
6600 Through 6608, Chapter 762,
Statutes of 1995, Chapter 763, Statutes
of 1995, Chapter 4, Statutes of 1996

By the County of Los Angeles

NO. CSM – 4509

Sexually Violent Predators

STATEMENT OF DECISION
PURSUANT TO GOVERNMENT
CODE SECTION 17500 ET SEQ.;
TITLE 2, CALIFORNIA CODE OF
REGULATIONS, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates was adopted on June 25, 1998.

This Decision shall become effective on June 25, 1998.



PAULA HIGASHI, Executive Director

ITEM # 4

PROPOSED STATEMENT OF DECISION

Welfare and Institutions Sections 6250 and 6600 through 6608

Chapter 762, Statutes of 1995

Chapter 763, Statutes of 1995

Chapter 4, Statutes of 1996

County of Los Angeles, Claimant

Sexually Violent Predators

Executive Summary

On May 28, 1998, the Commission approved this test claim with a 7-0 vote.

The test claim legislation establishes *new* civil commitment procedures for the continued detention and treatment of sexually violent predators following completion of prison term for certain sex-related offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then conducted to determine if the inmate is a sexually violent predator beyond a reasonable doubt. If the inmate accused of being a sexually violent predator is indigent, the test claim legislation requires counties to provide the indigent with the assistance of counsel and experts necessary to prepare the defense.

The Commission found that the test claim legislation imposes a new program upon counties since the procedures to commit the sexually violent predator are civil, rather than criminal, and is not within the county's preexisting duty to prosecute crime.

The Commission also recognized that the 6th and 14th Amendments of the U.S. Constitution provide that an indigent accused has the right to counsel and expert services necessary to prepare the defense at public expense.

Nonetheless, the Commission found that the test claim legislation is mandated by the state. There is no federal statutory or regulatory scheme requiring the states to keep sexually violent predators confined. The Commission recognized that what sets the 6th and 14th Amendments in motion and causes the public defender to safeguard the rights of the indigent defendant, is the state's enactment of the sexually violent predator legislation. If the state had not created this program, inmates would be released following completion of their prison term, counties would not be compelled to initiate these proceedings and services from defense counsel and experts would not have to be provided to indigent inmates.

Accordingly, the Commission concluded that the test claim legislation imposes a new program or higher level of service upon local agencies within the meaning of article XIII B, section 6, of the California Constitution.

The Commission **approved** the test claim for reimbursement of the following activities:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, subd. (i) .)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i).)
- Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j).)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602 .)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604 .)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, subs. (b) through (d), and 6608, subs. (a) through (d).)
- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d) .)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602 .)

The Commission denied the remaining provisions of the test claim legislation because they do not impose reimbursable state mandated activities upon local agencies.

Staff Recommendation

Based on the foregoing, staff **recommends** that the Commission approve the attached Proposed Statement of Decision which accurately reflects the Commission's decision to approve this test claim.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Welfare and Institutions Code Sections 6250 and 6600 through 6608 as added by Chapter 762, Statutes of 1995, Chapter 763, Statutes of 1995, and Chapter 4, Statutes of 1996

And filed on May 30, 1996;

By the County of Los Angeles, Claimant.

NO. CSM - 4509

SEXUALLY VIOLENT PREDATORS

PROPOSED STATEMENT OF
DECISION PURSUANT TO
GOVERNMENT CODE SECTION
17500 ET SEQ.; TITLE 2,
CALIFORNIA CODE OF
REGULATIONS, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Presented for adoption on
June 25, 1998)

PROPOSED STATEMENT OF DECISION

The Commission on State Mandates (Commission) on May 28, 1998 heard this test claim, during a regularly scheduled hearing. Mr. Leonard Kaye appeared for the County of Los Angeles. Ms. Marsha A. Bedwell, Deputy Attorney General, represented the Department of Finance, and Mr. James Apps appeared for the Department of Finance. The following persons were witnesses for the County of Los Angeles: Mr. Robert Kalunian, Mr. John Vacca, Mr. Kent Cahill, and Ms. Martha Zavala.

At the hearing, evidence both oral and documentary was introduced, the test claim was submitted, and the vote was taken.

The law applicable to the Commission's determination of a reimbursable state mandated program is Government Code section 17500 et seq. and section 6, article XIII B of the California Constitution and related case law.

The Commission, by a vote of 7 to 0, approved this test claim.

BACKGROUND

In 1995, the Legislature established civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex-related offenses through the enactment of Chapters 762 and 763, Statutes of 1995, and Chapter 4, Statutes of 1996.

Section 1 of Chapter 763, Statutes of 1995, reveals the intent of the test claim legislation as follows:

“The Legislature further finds and declares that while these individuals have been duly punished for their criminal acts, they are, if adjudicated sexually violent predators, a continuing threat to society. The continuing danger posed by these individuals and the continuing basis for their judicial commitment is a currently diagnosed mental disorder which predisposes them to engage in sexually violent criminal behavior. It is the intent of the Legislature that these individuals be committed and treated for their disorders only as long as the disorders persist and *not for any punitive purposes.*” (Emphasis added .)

A sexually violent predator is defined as (1) a person who has been convicted of a sexually violent offense against two or more victims, (2) who has received a determinate sentence for the offense, and (3) who has a diagnosed mental disorder that makes the person a danger to others in that it is likely he or she will engage in sexually violent criminal behavior. (Welf. & Inst., Code § 6600.)¹

Section 6601, subdivisions (a) through (h) ², establishes the process by which the state (through the Department of Corrections, the Board of Prison Terms, and the Department of Mental Health) screens individuals in custody at least six months prior to release for a sex-related offense and determines whether such individuals are sexually violent predators. If the state determines that such individuals are potential sexually violent predators during the screening process, the state may petition the appropriate county for **commitment**.

Section 6601, subdivision (h), provides the following:

“(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this

¹ After this test claim was filed, Article 4 of the Welfare and Institutions Code was amended by Chapters 461 and 462, Statutes of 1996. These chapters expanded the class of potential sexually violent predators by including those persons who (1) were found not guilty by reason of insanity for a sexually violent offense, (2) were convicted of a sexually violent offense in another state even if a determinate sentence was not imposed, and (3) were convicted of a sexually violent offense against a victim under the age of 14 and the offending act involved substantial sexual conduct, as specified. (Welf. & Inst. Code, §§ 6600, subd. (a), and 6600.1.) Chapters 461 and 462 are *not* included in the test claim. Accordingly, reimbursement is not required for the class of persons identified above. (However, if the claimant amends this test claim, or files a new test claim on these chapters, on or before December 31, 1998, then the eligible reimbursement period for Chapters 461 and 462 would commence on July 1, 1997. (Gov. Code, § 17557, subd. (c).)

² Unless otherwise noted, all references are to the Welfare and Institutions Code.

article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the *attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.*”³ (Emphasis added.)

Once the state requests that a petition be filed, either the district attorney or the county counsel (as designated by the county Board of Supervisors) reviews the records and reports forwarded by the state to determine if they concur with the state’s recommendation. If the county’s designated counsel concurs that the person is a sexually violent predator, the county’s designated counsel *must* file a petition for commitment in the superior court. Section 6601, subdivision (i) , specifically provides :

“(i) if the *county ’s designated counsel* concurs with the recommendation, a petition for **commitment** *shall* be filed in the superior court of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections. The petition shall be filed, and either the district attorney or the county counsel of that county shall handle the proceedings. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article. ” (Emphasis added.)

Once a petition for **commitment** is filed with the superior court, the court reviews the petition to determine if probable cause exists that the inmate is likely to engage in sexually violent predatory behavior upon release. Pursuant to section 6602, a probable cause hearing is conducted and the inmate “*shall be entitled to the assistance **of counsel***” during the hearing. If the court finds that there is probable cause, the inmate *shall* remain in custody in a secured facility until a trial is completed. At trial, the trier of fact (either the court or a jury, if requested) shall determine whether the person, by reason of a diagnosed mental disorder, is likely to engage in acts of sexual violence upon release.

Section 6603 provides that the inmate is entitled to a trial by jury, the assistance of counsel, and the right to retain experts or professionals to perform an examination on his or her behalf. Section 6603 specifically provides :

“(a) A person subject to this article *shall be entitled to a trial by jury, the assistance **of counsel**, the right to retain experts or professional persons to perform an examination on his or her behalf and have access to all relevant medical and psychological records and reports. In the case **of** a person who is indigent, the court shall appoint counsel to assist him or her, and, upon the person ’s request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person’s behalf.*

“(b) The attorney petitioning for **commitment** under this article shall have the right to demand that the trial be before a jury.

³ Chapter 4, Statutes of 1996, made a minor amendment to section 6601, subdivision (h), by adding the words “in the superior court” at the end of the subdivision.

“(c) If no demand is made by the person subject to this article or the petitioning attorney, the trial shall be before the court without jury.

“(d) A unanimous verdict shall be required in any jury trial. ” (Emphasis added.)

If the court or jury determines, beyond a reasonable doubt, that the person is a sexually violent predator, the person is committed for two years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secured facility. (Welf. & Inst. Code, § 6604.) The two-year civil commitment is subject to an annual review by the state and extension of the commitment if the mental disorder and danger to the community continue. (Welf. & Inst. Code, § 6605 .)

With each yearly review, the committed person also has a right to petition the court for conditional release. (Welf. & Inst. Code, § 6605, subd. (b) .) If the committed person affirmatively waives the right to petition the court for conditional release, the committed person remains in custody until the end of the two-year commitment. On the other hand, if the committed person does not affirmatively waive this right, the court “*shall set a show cause hearing to determine whether facts exist to warrant a hearing on whether the person’s condition has changed.*” *The inmate has the right to be present and to have an attorney present at the show cause hearing.*

If the court determines at the show cause hearing that the inmate’s mental condition has changed and that he or she is no longer a danger, the court *shall set a hearing on that issue.* (Welf. & Inst. Code, § 6605, subd. (c) .) At this subsequent hearing, the inmate “*has a right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding.*” (Welf. & Inst. Code, § 6605, subd.(d).)

Section 6605, subdivision (d) further provides that:

“... *The attorney designated by the county pursuant to subdivision (i) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person also shall have the right to demand a jury trial and to have experts evaluate him or her on his or her behalf. The court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be on the state to prove beyond a reasonable doubt that the committed person’s diagnosed mental disorder remains such that he or she is a danger to the health and safety of others and is likely to engage in sexually violent criminal behavior if discharged.*” (Emphasis added.)

If the court or jury decides against the committed person at the hearing, the term of commitment of the person runs for an additional period of two years from the date of the ruling. If the court or jury decides in favor of the committed person (i.e, that the committed person no longer presents a danger to society), the committed person is unconditionally released. (Welf. & Inst. Code, § 6605, subd. (e).)

In addition, the sexually violent predator can be released, either unconditionally or on an outpatient basis, with the following procedures:

- At any time, the State Department of Mental Health can seek *judicial review pursuant to the habeas corpus procedure* if the state believes the committed person is no longer a sexually violent predator. (Welf. & Inst. Code, § 6605, subd. (f).)
- The State Department of Mental Health can file a report and recommendation for conditional release if the facts suggest that the committed person is not likely to commit acts of predatory sexual violence while under the supervision and treatment in the community. (Welf. & Inst. Code, § 6607 .) If the court accepts the recommendation from the Department of Mental Health, a *hearing* is held pursuant to section 6608, subdivision (b), (c) and (d), to determine if the person would be a danger if released to the community under supervision. *Notice of the hearing is given to the designated county counsel, the attorney who represented the inmate at the initial commitment proceeding, and the Department of Mental Health.* If the court determines that the committed person continues to pose a threat to others, the committed person remains in custody until the end of the two-year commitment. On the other hand, if the court determines that the committed person no longer poses a threat to the community, the committed person is placed in a state-operated conditional release program. At the end of the conditional release program, the court sets a hearing to determine if the committed person should be unconditionally released. (Welf. & Inst. Code, § 6608, subd. (g).)
- After one year of commitment, the sexually violent predator may petition the court directly for conditional outpatient release. The court may dismiss the petition if it determines the petition is without merit. If the petition is not frivolous, the *court shall set a hearing, with notice to the designated county counsel, defense attorney and Department of Mental Health.* (Welf. & Inst. Code, § 6608, subs. (a) and (b).) If the court determines that the committed person remains a threat to others, the committed person remains in custody until the end of the two-year commitment. If, on the other hand, the court determines that the committed person no longer poses a threat to the community, the court places the committed person in a state-operated conditional release program for one year. Thereafter, another hearing is set by the court to determine if the committed person should be unconditionally released. (Welf. & Inst. Code, § 6608, subd. (g) .)

The test claim legislation is similar to the Mentally Disordered Sex Offenders (MDSO) legislation. (Stats. 1977, ch. 164.) Both programs provide for the civil commitment of persons determined to be a MDSO or sexually violent predator to a state mental facility.

The Legislature appropriated funds to reimburse local governments for the costs associated with the MDSO program. However, in 1981, Chapter 928 repealed the MDSO portion of the statute prospectively (Welf. & Inst. Code, § 63 16.2), and provided that persons committed under section 63 16.2 would remain governed by this section until their commitments are terminated. Thus, counties continue to be reimbursed for the MDSO program.

Under former section 6316.2, a person who *suffers from a mental disease, defect, or disorder, and as result of such mental disease, defect, or disorder, is predisposed to the commission of sexual offenses to such a degree that he or she presents a substantial danger of bodily harm to*

others, may be civilly committed to a state mental facility. The statute further specifies that a patient (alleged MDSO) is entitled to the rights guaranteed under the state and federal Constitutions for criminal proceedings. These rights include the right to counsel, defense witnesses, and examinations.

Reimbursement is still provided for costs of transportation, care and custody of the patient (MDSO), trial costs, juror fees, and prosecuting district attorneys' costs if consent is given by the Attorney General for the district attorney to represent the state in proceedings under former section 63 16 .2. It should also be noted that the State Public Defender may contract with county public defenders to provide indigent legal defense. (Gov. Code, § 15402 .)

COMMISSION FINDINGS

Issue 1: Does the sexually violent predator legislation enacted by Chapters 762 and 763 of Statutes of 1995, and Chapter 4 of Statutes of 1996, impose a new program or higher level of service upon local agencies within the meaning of section 6, article XIII B of the California Constitution?⁴

In order for a statute, which is the subject of a test claim, to impose a reimbursable state mandated program, the statutory language must direct or obligate an activity or task upon local governmental entities. Further, the required activity or task must be new or it must create an increased or higher level of service over the former required level of service. To determine if a required activity is new or imposes a higher level of service, a comparison must be undertaken between the test claim legislation and the legal requirements in effect immediately before the enactment of the test claim legislation. Finally, the newly required activity or increased level of service must be state mandated.⁵

As indicated above, the test claim legislation requires a series of activities for the civil commitment of potential sexually violent predators following completion of their criminal sentence. These activities are described below.

Activities Performed by Counties

The Commission found that the test claim legislation obligates counties to complete the following activities for the civil commitment of sexually violent predators:

- Designate counsel to handle sexually violent predator cases referred by the state. (Welf. & Inst. Code, § 6601, subd. (i).)

⁴ Section 6, article XIII B states: "Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates: (a) Legislative mandates requested by the local agency affected; (b) Legislation defining a new crime or changing an existing definition of a crime; or (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975. "

⁵ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56; *Carmel Valley Fire Protection Dist. v. State of California* (1987) 190 Cal.App.3d 521, 537; *Lucia Mar Unified School Dist. v. Honig* (1988) 44 Cal.3d 830, 835.

- Review cases referred by the state to determine if county counsel concurs with the state's recommendation to proceed with civil commitment procedures. (Welf. & Inst. Code, § 6601, subd. (i).⁶)
- File petitions for civil commitment with the superior court. (Welf. & Inst. Code, § 6601, subd. (i) .)
- Represent the State of California and the indigent inmate in the civil commitment probable cause hearing, trial and all subsequent hearings and reviews. (Welf. & Inst. Code, §§ 6601, subd. (i), 6602, 6603, 6605, subds. (b) through (d), and 6608, subds. (a) through (d).)
- Provide the indigent inmate with necessary experts and investigation to prepare the defense for trial and subsequent hearings. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d).)
- Transport and house the inmate during the civil commitment proceedings. (Welf. & Inst. Code, § 6602.)

The Commission recognized that the activities listed above are performed by counties who carry out a basic governmental function by providing a service to the public. Such activities are not imposed on state residents generally. Therefore, the first requirement necessary to determine whether the Legislature has imposed a reimbursable state mandated program is satisfied.

Moreover, the Commission found that the provisions of the test claim legislation impose new requirements, not previously imposed, upon the counties to implement civil commitment procedures for sexually violent predators following the completion of a criminal sentence. Although the MDSO program imposed similar activities upon counties, that program was repealed before the sexually violent predator legislation was enacted. Additionally, the procedure is civil, rather than criminal. Therefore, the test claim legislation imposes duties on counties that are not within their preexisting duty to prosecute crime relating to sexually violent predators.⁷

Accordingly, the Commission found that the test claim legislation constitutes a new program by satisfying two of the requirements necessary to determine whether legislation imposes a reimbursable state mandated program.

However, the Commission continued its analysis to determine whether the sexually violent predator legislation is state mandated, or merely implements a federal law. Since the finding

⁶ Section 6601, subdivision (i), provides that “*if* the county’s designated counsel concurs with the recommendation, a petition for commitment *shall* be filed in the superior court. ..”. Despite the use of the word “*if*” in the statute, the Commission found that the designated county attorney does not have discretion to file a petition for civil commitment. Rather, the county’s attorney simply determines if he or she agrees with the state’s recommendation based on the file and records of the inmate. If there is agreement, the county has no choice but to proceed with the filing of the petition. Accordingly, the Commission found this requirement mandatory.

⁷ The Commission noted that the sexually violent predator legislation is *not* subject to the “crimes and infractions” exception to reimbursement under Government Code section 17556, subdivision (g). The US. Supreme Court held that similar sexually violent predator legislation in Kansas did not establish “criminal” proceedings and the involuntary confinement under the legislation was not punitive. (*Hendricks v. Kansas* (1997) 117 S .Ct. 2072.)

that the inmate is a sexually violent predator results in commitment of the person to the custody of the Department of Mental Health and confinement in a locked facility, the 6th Amendment (right to counsel) and 14th Amendment (due process clause) of the U.S. Constitution are implicated.

Issue 2: Is the sexually violent predator legislation state mandated?

The U.S. Supreme Court has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection. (*Addington v. Texas* (1979) 441 U.S. 418, 425, 99 S.Ct. 1804, 1809.) Accordingly, the Commission recognized that the test claim legislation implicates federal due process concerns requiring consideration of due process procedures, including the right to counsel, before one is deprived of liberty.

The Department of Finance asserted that the indigent defense provisions of the test claim legislation merely implements federal law through the 6th and 14th Amendments to the U.S. Constitution and do not impose a reimbursable state mandated program. The Department contended that although they have found no definitive United States Supreme Court authority regarding a right to counsel in civil commitment proceedings, California courts have recognized that legal services for indigent persons at public expense are mandated in mental health matters where a restraint of liberty is possible. Furthermore, where there is a right to counsel, ancillary services, such as experts and investigative services are also provided. The Department stated: “It appears that the requirements of federal due process and equal protection require that indigents subject to the sexually violent predator proceedings be provided counsel and ancillary services, and to that extent, these aspects of the statute are ‘required by federal law’.” (Citing *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 816.)

The claimant, California Public Defenders Association, the County of Monterey, the City and County of San Francisco, the Alameda County Public Defender’s Office and the County of San Joaquin contended that federal law does not require the state to implement the civil commitment of sexually violent predators and, thus, a reimbursable state mandated program exists.

Right to Counsel, Experts and Investigative Services in Civil Commitment Proceedings

The Commission found no United States Supreme Court authority specifically holding that a defendant in a civil commitment proceeding has the right to counsel. However, the United States Supreme Court has recently analyzed similar sexually violent predator legislation enacted in Kansas and recognized that an individual’s constitutionally protected interest in avoiding physical restraint may be overridden in the civil context provided the civil confinement takes place pursuant to “proper procedural and evidentiary standards.” (*Hendricks v. Kansas, supra*, 117 S.Ct. at 2079.)⁸

⁸ The Kansas Sexually Violent Predator Act established procedures for the civil commitment of persons who, due to a “mental abnormality” or a “personality disorder,” are likely to engage in predatory acts of sexual violence. Unlike the test claim legislation, the Kansas statute requires the state attorney general, rather than the local district attorney or county counsel, to initiate commitment procedures.

In addition, some federal courts have found that the assistance of counsel in civil proceedings is *required* to meet federal due process standards. The court in *Heyford v. Parker* (10th Cir. 1968) 396 F.2d 393, held that a civil proceeding resulting in involuntary incarceration for treatment commands observance of the constitutional safeguards of due process, including the right to counsel. (But see *Rud v. Dahl* (7th Cir. 1978) 578 F.2d 674, 678, which held that the Supreme Court has never specifically found that a civil proceeding requires the presence of the respondent as an element of due process.)

California courts have also recognized that legal services for indigent persons at public expense are *mandated* in civil proceedings relating to mental health matters where restraint of liberty is possible. (*Phillips v. Seely* (1974) 43 Cal.App.3d 104, 113; *Waltz v. Zumwalt* (1985) 167 Cal.App.3d 835, 838.)

Finally, case law is clear that where there is a right to representation by counsel, necessary ancillary services, such as experts and investigative services, are within the scope of that right. (*Mason v. State of Arizona* (9th Cir. 1974) 504 F.2d 1345; *People v. Worthy* (1980) 109 Cal.App.3d 514.)

Based on the foregoing authorities, the Commission found that the 6th Amendment right to counsel and the 14th Amendment due process clause of the U.S. Constitution require legal counsel, experts and investigative services be provided to indigent potential sexually violent predators throughout the civil commitment proceedings. Nevertheless, for the reasons stated below, the Commission determined that the test claim legislation represents a state mandated program.

Federal Law Does Not Require the Civil Confinement of Sexually Violent Predators

The court addressed the issue of federal constitutional requirements under the 6th and 14th Amendments in relation to a test claim filed by the County of Los Angeles on Penal Code section 987.9 (CSM-4411) in *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal. App. 4th 805. The test claim legislation in *County of Los Angeles* required counties to pay for investigators and experts in preparation of the defense for indigent defendants in death penalty cases.

The court in *County of Los Angeles* affirmed the Commission's decision to deny the test claim. The court held that Penal Code section 987.9 merely implemented the guarantees under the U.S. Constitution. The court further held that the statute did *not* impose any *new* requirements upon local governmental entities. Accordingly, the court found that counties are still compelled to provide defense services under the 6th and 14th Amendments to indigents facing the death penalty even in the absence of state law.

However, unlike the test claim legislation in *County of Los Angeles*, there is no federal statutory or regulatory scheme mandating the states to implement civil commitment proceedings for sexually violent offenders. Therefore, the Commission recognized that local agencies would *not* be compelled to provide defense and ancillary services to indigent persons accused of being a sexually violent offender following completion of their prison term if the new program had not been created by the state.

Accordingly, the Commission found that the test claim legislation constitutes a state mandated program.

CONCLUSION

Based on the foregoing, the Commission concluded that the test claim legislation imposes a new program or higher level of service upon local agencies within the meaning of article XIII B, section 6, of the California Constitution.

The Commission **approved** the test claim for reimbursement of the following activities:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil **commitment** proceedings. (Welf. & Inst. Code, § 6601, subd. (i).)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i).)
- Preparation and filing of the petition for **commitment** by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j).)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604 .)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, subds. (b) through (d), and 6608, subds. (a) through (d).)
- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d).)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

The Commission denied the remaining provisions of the test claim legislation because they do not impose reimbursable state mandated activities upon local agencies.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Welfare Institutions Code Sections 6250 and 6600 through 6608; as added and amended by Chapter 762, Statutes of 1995; Chapter 763, Statutes of 1995; Chapter 4, Statutes of 1996,

And filed on May 30, 1996;

By County of Los Angeles, Claimant.

NO. CSM-4509

Sexually Violent Tredators

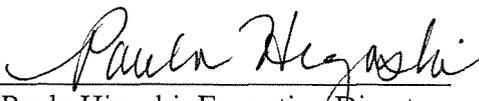
ADOPTION OF PARAMETERS AND GUIDELINES PURSUANT TO GOVERNMENT CODE SECTION 17557 AND TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTIONS 1183.12.

(Adopted on September 24, 1998)

ADOPTED PARAMETERS & GUIDELINES

The attached Parameters & Guidelines of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on September 2.5, 1998.


Paula Higashi, Executive Director

Parameters and Guidelines

Welfare and Institutions Code Sections 6250 and 6600 through 6608
Chapter 762, Statutes of 1995
Chapter 763, Statutes of 1995
Chapter 4, Statutes of 1996

Sexually Violent Predators

I. Summary and Source of the Mandate

Chapters 762 and 763, Statutes of 1995, and Chapter 4, Statutes of 1996, established new civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex-related offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then conducted to determine if the inmate is a sexually violent predator beyond a reasonable doubt. If the inmate accused of being a sexually violent predator is indigent, the test claim legislation requires counties to provide the indigent with the assistance of counsel and experts necessary to prepare the defense,

On June 25, 1998, the Commission adopted a Statement of Decision which approved reimbursement for the following services:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, subd. (i).)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i).)
- Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j).)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, subds. (b) through (d), and 6608, subds. (a) through (d).)

- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d).)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

Chapters 762 and 763, Statutes of 1995, were enacted on October 11, 1995, and became operative on January 1, 1996. Chapter 4, Statutes of 1996, relating to the transportation and housing of potential sexually violent predators at a secured facility, was enacted as an urgency measure and became operative on January 25, 1996.

II. Eligible Claimants

Counties or cities and counties.

III. Period of Reimbursement

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on May 30, 1996. Therefore, costs incurred for Chapter 762, Statutes of 1995 and Chapter 763, Statutes of 1995, are eligible for reimbursement on or after January 1, 1996. Costs incurred for Chapter 4, Statutes of 1996, regarding transport and secured custody of defendants, are eligible for reimbursement on or after January 25, 1996.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. Reimbursable Activities

For each eligible claimant, all direct and indirect costs of labor, supplies and services, for the following activities only are eligible for reimbursement:

- A. Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings,
 1. Development of internal policies and procedures (one-time activity).
 2. One-time training for each employee who normally works on the sexually violent predator program on the county's internal policies and procedures.
- B. The following reimbursable activities must be specifically identified to a defendant:

1. Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. Such activity includes the following:
 - a. Secretarial and paralegal services to assist the county's designated counsel; and
 - b. Copying and making long distance telephone calls
 - c. Investigator services that are necessary to determine the sufficiency of the factual evidence supporting a petition.
2. Preparation and filing of the petition for commitment by the county's designated counsel. Such activities include secretarial and paralegal services to assist the county's designated counsel in the preparation and filing of the petition for commitment.
3. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
4. Preparation and attendance by the county's designated counsel and indigent defense counsel at pre-trial and trial hearings. Preparation for the pre-trial and trial hearings include the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
5. Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. Preparation for the subsequent hearings includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
6. Retention of court-approved experts, investigators, and professionals for the indigent defendant in preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. Such activity includes the following:
 - a. Copying and long distance telephone calls made by the court-approved expert, investigator and/or professional; and
 - b. Travel.
7. Transportation and housing costs for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. Counties shall be entitled to reimbursement for such

transportation and housing costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of housing and transportation, in which case no reimbursement of such costs shall be permitted.

V. Claim Preparation and Submission

Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document.

SUPPORTING DOCUMENTATION

Claimed costs shall be supported by the following cost element information:

A. Direct Costs

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions,

Claimed costs shall be supported by the following cost element information:

1. Salaries and Benefits

Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.

Reimbursement for personal services include compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contribution of social security, pension plans, insurance and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

2. Materials and Supplies

Only expenditures that can be identified as a direct cost of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.

4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points, and travel costs.

5. Training

The cost of training an employee to perform the mandated activities is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, transportation, lodging, per diem, and registration fees.

6. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is reimbursable.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10%. If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

VI. Supporting Data

For audit purposes, all costs claimed shall be traceable to source documents (e.g., employee time records, invoices, receipts, purchase orders, contracts, worksheets, calendars, declarations, etc.) that show evidence of the validity of such costs and their relationship to the state mandated program. All documentation in support of the claimed costs shall be made available to the State Controller's Office, as may be requested, and all reimbursement claims are subject to audit during the period specified in Government Code section 17558.5, subdivision (a).

VII. Data for Development of a Statewide Cost Estimate

The State Controller's Office is directed to include in the claiming instructions a request that claimants send an additional copy of the test claim specific form for the initial years' reimbursement claim by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, California 95814, Facsimile number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate which will be the basis for the Legislature's appropriation for this program.

VIII. Offsetting Savings and Other Reimbursement

Any offsetting savings the claimant experiences as a direct result of the subject mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

IX. State Controller's Office Required Certification

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the State contained herein.

Commission on State Mandates

Mailing List

24-Sep-98

CSM/SB# and Claim Title CSM-4509

Test Claim of County of Los Angeles

Government Code Sec. Welfare & Institutions Code sections 6250 and 6600 et seq.

Chapters 762195, 763/95, and 4/96

Originated: 07-Jun-96

Issue Sexually Violent Predators (SVP)

Mr. James Apps (A-15),
Department of Finance

915 L Street 8th Floor, Rm 8020
SACRAMENTO CA 95814

Tel: (916) 445-8913
FAX: (916) 327-0225

Ms. Marsha Bedwell (D-8), Deputy Attorney General
Department of Justice

1300 I Street P.O. Box 944255
SACRAMENTO CA 94244-2550

Tel: (916) 445-9555
FAX: (916) 323-2137

Mr. Norman Black (A-31),
Department of Mental Health

Office of Legal Services
1600 9th Street Room 153
SACRAMENTO CA 95814

Tel: (916) 654-2319
FAX: (916) 653-7212

Mr. George Bukowski,
Dept. of Mental Health

1600 9th Street
SACRAMENTO CA 95814

Tel: (916) 654-5691
FAX: (916) 327-9338

Mr. Allan Burdick,
DMG-MAXIMUS

4320 Auburn Blvd. Suite 2000
SACRAMENTO CA 95841

Tel: (916) 485-8102
FAX: (916) 485-0111

Mr. Lewis Chartrand (E-18), Executive Office
Board of Prison Terms

428 J Street 6th Floor
SACRAMENTO CA 95814

Tel: (916) 445-4072
FAX: (916) 445-5242

Mr. Donald Currier (P-3), Deputy Director/ Legal Counsel
Office of Criminal Justice Planning

1130 K Street Suite 300
SACRAMENTO CA 95814

Tel: (916) 324-9140
FM: (916) 327-5673

CSM/SB# and Claim Title CSM-4509

Test Claim of County of Los Angeles

Government Code Sec. Welfare & Institutions Code sections 6250 and 6600 et seq.

Chapters 762/95, 76319.5, and 4/96

Originated: 07-Jun-96

Issue Sexually Violent Predators (SVP)

Ms. Marcia C. Faulkner, Manager, Reimbursable Projects
County of San Bernadino
Office of the Auditor/Controller
222 W. Hospitality Lane, 4th Floor
SAN BERNARDINO CA 92415-0018
Tel: (909) 386-8850
FAX: (909) 386-8830

Mr. Michael P. Judge, Assistant Sec./Treasurer
California Public Defenders Association
210 West Temple Street
LOS ANGELES CA 90012
Tel: (213) 974-7060
FAX: (213) 625-5031

Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor - Controller's Office
500 W. Temple Street Room 603
LOS ANGELES CA 90012
Tel: (213) 974-8564
FAX: (213) 617-8106

Ms. Stephanie Larsen,
San Joaquin County
County Administration Office
222 East Weber Ave., Room #707
STOCKTON CA 95202
Tel: (209) 468-3206
FAX: (209) 468-2875

Mr. James McWilliams,
Interested Party
Lakeside Office 1401 Lakeside Drive 4th Floor
OAKLAND CA 946 12
Tel: (510) 262-6600
FAX: (510) 272-6610

Ms. Marianne O'Malley (B-29), Principal Fiscal & Policy Analyst
Legislative Analysts' Office
925 L Street Suite 1000
SACRAMENTO CA 95814
Tel: (916) 445-6442
FAX: (916) 324-4281

Mr. Thomas J. Owen, Deputy City Attorney
City & County of San Francisco
Fox Plaza, 1390 Market Street Fifth Floor
SAN FRANCISCO Ca 94102-5408
Tel: (415) 554-4283
FAX: (415) 554-4248

Ms. Sarah Ryland, Utilization Review Specialist
Drug/Alcohol Unit
County of Fresno 4865 No. Diana
FRESNO CA 93726
Tel: (916) 000-0000
FAX: (916) 000-0000

CSM/SB# and Claim Title CSM-4509

Test Claim of County of Los Angeles

Government Code Sec. Welfare & Institutions Code sections 6250 and 6600 et seq.

Chapters 762/95, 763/95, and 4/96

Originated: 07-Jun-96

Issue Sexually Violent Predators (SVP)

Ms. Kathy Samms,
County of Santa Cruz Sheriff Department

1100 N Street Suite 1-E
SACRAMENTO CA 95814

Tel: (831) 454-2841
FAX: (831) 454-2864

Mr. Will Sanders, Parole Agent
Board of Prison Terms

428 J Street 6th Floor
SACRAMENTO CA 95814

Tel: (916) 445-4072
FAX: (916) 445-5242

Mr. Tim Silard,
San Francisco District Attorney's Office

850 Bryant Street Third Floor
SAN FRANCISCO CA 94103

Tel: (415) 533-1866
FAX: (415) 553-1737

Ms. Miruni Soosaipillai, Interested Party
San Mateo County Counsel

401 Marshall Street
REDWOOD CITY CA 94063

Tel: (650) 363-1960
FAX: (650) 363-4034

Ms. Wendy Strimling, Deputy County Counsel
County of Monterey

p o box 1587
SALINAS CA 93902

Tel: (916) 000-0000
FAX: (916) 000-0000

Mr. Paige Vorhies (B-8),
State Controller's Office
Division of Accounting & Reporting

3301 C Street Suite 500
SACRAMENTO CA 95816

Tel: (916) 445-8756
FAX: (916) 323-6527

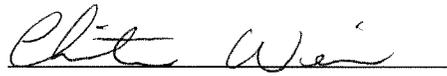
DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment and business address is 1300 I Street, Suite 950, Sacramento, California 95814.

On September 25, 1998, I served the attached Parameters and Guidelines for “Sexually Violent Predators”, CSM 4509 of the Commission on State Mandates by placing a true copy thereof in an envelope addressed to each of the persons listed on the **attached mailing list**, and by sealing and depositing said envelope in the United States mail at Sacramento, California, with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on September 25, 1998, at Sacramento, California.


CHRISTINE WEIN

Amended: October 30, 2009
 Adopted: September 24, 1998

AMENDMENT TO PARAMETERS AND GUIDELINES

Welfare and Institutions Code Sections 6250 and 6600 through 6608

Statutes 1995, Chapter 762

Statutes 1995, Chapter 763

Statutes 1996, Chapter 4

Sexually Violent Predators

05-PGA-43 (CSM-4509)

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

I. Summary and Source of the Mandate

Chapters 762 and 763, Statutes of 1995, and Chapter 4, Statutes of 1996, established new civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex-related offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then conducted to determine if the inmate is a sexually violent predator beyond a reasonable doubt. If the inmate accused of being a sexually violent predator is indigent, the test claim legislation requires counties to provide the indigent with the assistance of counsel and experts necessary to prepare the defense.

On June 25, 1998, the Commission adopted a Statement of Decision which approved reimbursement for the following services:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, subd. (i).)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i).)
- Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j).)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, subds. (b) through (d), and 6608, subds. (a) through (d).)

- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d).)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

Chapters 762 and 763, Statutes of 1995, were enacted on October 11, 1995, and became operative on January 1, 1996. Chapter 4, Statutes of 1996, relating to the transportation and housing of potential sexually violent predators at a secured facility, was enacted as an urgency measure and became operative on January 25, 1996.

II. Eligible Claimants

Counties or cities and counties.

III. Period of Reimbursement

This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.

Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on May 30, 1996. Therefore, costs incurred for Chapter 762, Statutes of 1995 and Chapter 763, Statutes of 1995, are eligible for reimbursement on or after January 1, 1996. Costs incurred for Chapter 4, Statutes of 1996, regarding transport and secured custody of defendants, are eligible for reimbursement on or after January 25, 1996.

Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.

If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. Reimbursable Activities

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and

declarations. Declarations must include a certification or declaration stating, “I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct based upon personal knowledge.” Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, all direct and indirect costs of labor, supplies and services, for the following activities only are eligible for reimbursement:

- A. Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings.
 1. Development of internal policies and procedures (one-time activity).
 2. One-time training for each employee who normally works on the sexually violent predator program on the county’s internal policies and procedures.
- B. The following reimbursable activities must be specifically identified to a defendant:
 1. Initial review of reports and records by the county’s designated counsel to determine if the county concurs with the state’s recommendation. Such activity includes the following:
 - a. Secretarial and paralegal services to assist the county’s designated counsel; and
 - b. Copying and making long distance telephone calls.
 - c. Investigator services that are necessary to determine the sufficiency of the factual evidence supporting a petition.
 2. Preparation and filing of the petition for commitment by the county’s designated counsel. Such activities include secretarial and paralegal services to assist the county’s designated counsel in the preparation and filing of the petition for commitment.
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 - c. Travel.
 4. Preparation and attendance by the county’s designated counsel and indigent defense counsel at pre-trial and trial hearings. Preparation for the pre-trial and trial hearings include the following:

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 - c. Travel.
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 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
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 6. Retention of court-approved experts, investigators, and professionals for the indigent defendant in preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. Such activity includes the following:
 - a. Copying and long distance telephone calls made by the court-approved expert, investigator and/or professional; and
 - b. Travel.
 7. Transportation and housing costs for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. Counties shall be entitled to reimbursement for such transportation and housing costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of housing and transportation, in which case no reimbursement of such costs shall be permitted.

V. Claim Preparation and Submission

Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document.

SUPPORTING DOCUMENTATION

Claimed costs shall be supported by the following cost element information:

A. Direct Costs

Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.

Claimed costs shall be supported by the following cost element information:

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Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.

Reimbursement for personal services include compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contribution of social security, pension plans, insurance and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.

2. Materials and Supplies

Only expenditures that can be identified as a direct cost of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.

3. Contract Services

Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.

4. Travel

Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points, and travel costs.

5. Training

The cost of training an employee to perform the mandated activities is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, transportation, lodging, per diem, and registration fees.

6. Fixed Assets

List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is reimbursable.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10%. If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.

VI. Record Retention

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. Data for Development of a Statewide Cost Estimate

The State Controller's Office is directed to include in the claiming instructions a request that claimants send an additional copy of the test claim specific form for the initial years' reimbursement claim by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, California 95814, Facsimile number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate which will be the basis for the Legislature's appropriation for this program.

VIII. Offsetting Savings and Other Reimbursement

Any offsetting savings the claimant experiences as a direct result of the subject mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate received from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

IX. State Controller's Office Required Certification

An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the State contained herein.

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.



**DEPARTMENT OF
FINANCE**

EDMUND G. BROWN JR. ■ GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

January 15, 2013

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Halsey:

Please find attached the Department of Finance's "Request to Adopt a New Test Claim Decision" on the Sexually Violent Predators mandate. As this request is linked to anticipated General Fund savings, we respectfully request the Commission on State Mandates expedite the review and hearing process of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Dyer for".

Tom Dyer
Assistant Program Budget Manager

Enclosure

**COMMISSION ON STATE MANDATES
FORM TO REQUEST TO ADOPT A NEW TEST CLAIM DECISION
(Adopted November 9, 2010)**

GENERAL INSTRUCTIONS

- Type All Responses
- Complete sections 1 through 8, as indicated. Failure to complete any of these sections will result in this request to adopt a new test claim decision being returned as incomplete.
- Please submit by either of the following methods:
 1. By hard copy. The requester shall file, consistent with the Commission's regulations (CCR, tit. 2, § 1181.2), one original signed hard copy, and seven (7) copies, which shall include a table of contents, be unbound, double-sided, and shall not include tabs to:

Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
 2. E-filing. The requester shall electronically file the request and any accompanying documents in pdf format to the e-filing system on the Commission's website, consistent with the Commission's regulations (CCR, tit.2, §1181.2). The requester is responsible for maintaining the paper request with original signature(s) for the duration of the redetermination process, including any period of appeal. No additional copies are required when e-filing the request.

Within ten (10) days of receipt of a request to adopt a new test claim decision, Commission staff will notify the requester if the request is complete or incomplete. Requests to adopt a new test claim decision will be considered incomplete if any of the required sections are not included or are illegible. If a completed request is not received within thirty (30) calendar days from the date the incomplete request was returned, the executive director may disallow the original request filing date. A new request may be accepted on the same subsequent change in law alleged to modify the state's liability pursuant to article XIII B, section 6, subdivision (a) of the California Constitution.

**You may download this form from our website at csm.ca.gov.
If you have questions, please contact us:**

Website: www.csm.ca.gov
Telephone: (916) 323-3562
Fax: (916) 445-0278
E-Mail: csminfo@csm.ca.gov

1. TITLE OF REQUEST TO ADOPT A NEW TEST CLAIM DECISION

Sexually Violent Predators (CSM - 4509)

2. REQUESTER INFORMATION

Name of Local Agency, School District, Statewide Association of Local Agencies or School Districts, or State Agency
California Department of Finance

Requester Contact
Randall Ward

Title
Principal Program Budget Analyst

Organization
Department of Finance

Street Address
915 L Street, Room 1190

City, State, Zip Code
Sacramento, CA 95814

Telephone Number
(916) 445-3274

Fax Number
(916) 449-5252 E-Mail Address: randy.ward@dof.ca.gov

E-Mail Address

3. REPRESENTATIVE INFORMATION

If requester designates another person to act as its sole representative for this request, all correspondence and communications regarding this request shall be forwarded to this representative. Any change in representation must be authorized by the requester in writing, and sent to the Commission on State Mandates. Please complete information below if designating a representative.

Representative Name

Title

Organization

Street Address

City, State, Zip Code

Telephone Number

Fax Number

E-Mail Address

<i>For CSM Use Only</i>	
<i>Filing Date:</i> Received January 15, 2013 Commission on	
NTCD#	State Mandates

12-4509-MR-01

4. IDENTIFYING INFORMATION

Please identify the name(s) of the programs, test claim number(s), and the date of adoption of the Statement of Decision, for which you are requesting a new test claim decision, and the subsequent change in law that allegedly changes the state's liability.

On June 25, 1998, the Commission on State Mandates adopted the Statement of Decision for the Sexually Violent Predators mandate (CSM - 4509) and approved reimbursement for specified activities mandated under Welfare and Institutions Code sections 6601-6608. On September 24, 1998, the Commission on State Mandates adopted Parameters and Guidelines that were subsequently amended on October 30, 2009. These Parameters and Guidelines provide reimbursable activity detail.

On November 7, 2006, California voters approved Proposition 83, also known as Jessica's Law, which substantively amended and reenacted various sections of the Welfare and Institutions Code that had served as a basis for the Commission's Statement of Decision.

Based on the passage of Proposition 83, the state's obligation to provide reimbursement for this mandate has ceased pursuant to Government Code sections 17570 and 17556, subdivision (f).

Sections 5, 6 and 7 are attached as follows:

- 5. Detailed Analysis: Pages 1 to 5.
- 6. Declarations: Pages 6 to 7.
- 7. Documentation: Pages A to C.

Sections 5, 6, and 7 should be answered on separate sheets of plain 8-1/2 x 11 paper. Each sheet should include the name of the request, requestor, section number (i.e., 5, 6, or 7), and a heading at the top of each page.

5. DETAILED ANALYSIS

Under the heading "5. Detailed Analysis," please provide a detailed analysis of how and why the state's liability for mandate reimbursement has been modified pursuant to article XIII B, section 6, subdivision (a) of the California Constitution based on a "subsequent change in law" as defined in Government Code section 17570. This analysis shall be more than a written narrative or simple statement of the facts at law. It requires the application of the law (Gov. Code, § 17570 (a) and (b)) to the facts (i.e., the alleged subsequent change in law) discussing, for each activity addressed in the prior test claim decision, how and why the state's liability for that activity has been modified. Specific references shall be made to chapters, articles, sections, or page numbers that are alleged to impose or not impose a reimbursable state-mandated program.

Also include all of the following elements:

The actual or estimated amount of the annual statewide changes in the state's liability for mandate reimbursement pursuant to Article XIII B, section 6 (subdivision (a)) on a subsequent change in the law.

- A. Identification of all of the following if relevant:
1. Dedicated state funds appropriated for the program.
 2. Dedicated federal funds appropriated for the program.
 3. Fee authority to offset the costs of the program.
 4. Federal law.
 5. Court decisions.
 6. State or local ballot measures and corresponding date of election.

6. DECLARATIONS

Under the heading "6. Declarations," support the detailed analysis with declarations that:

- A. Declare actual or estimated annual statewide costs that will or will not be incurred to implement the alleged mandate.
- B. Identify all local, state, or federal funds and fee authority that may or may not be used to offset the increased costs that will or will not be incurred by the claimants to implement the alleged mandate or result in a finding of no costs mandated by the state, pursuant to Government Code section 17556.
- C. Describe new activities performed to implement specified provisions of the statute or executive order alleged to impose a reimbursable state-mandated program.
- D. Make specific references to chapters, articles, sections, or page numbers alleged to impose or not impose a reimbursable state-mandated program.
- E. Are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

7. DOCUMENTATION

Under heading "7. Documentation," support the detailed analysis with copies of all of the following:

- A. Statutes, and administrative or court decisions cited in the detailed analysis.

Statements of Decision and published court decisions from a state mandate determination by the Board of Control or the Commission are exempt from this requirement. When an omnibus bill is pled or cited, the requester shall file only the relevant pages of the statute, including the Legislative Counsel's Digest and the specific statutory changes at issue.

8. CERTIFICATION

*Read, sign, and date this section and insert at the end of the request for a new test claim decision.**

This request for a new test claim decision is true and complete to the best of my personal knowledge, information, or belief.

Randall Ward

Print or Type Name of Authorized Official



Signature of Authorized Official

Principal Program Budget Analyst

Print or Type Title

1-15-13

Date

*If declarant for this certification is different from the contact identified in section 2 of the form, please provide the declarant's address, telephone number, fax number and e-mail address.

Request to Adopt a New Test Claim Decision
Department of Finance
Sexually Violent Predators (CSM – 4509)
Section 5: Detailed Analysis

On June 25, 1998, the Commission on State Mandates (Commission) adopted the Statement of Decision for the Sexually Violent Predators (SVP) mandate (CSM-4509) and approved reimbursement for the following activities:

- **Activity 1** - Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, subd. (i)).
- **Activity 2** - Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i)).
- **Activity 3** - Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j)*). * SOD and P&Gs reference to subdivision (j) is likely a typographical error and should be (i) because subdivision (j) lacks subject matter relevancy to this reimbursable activity.
- **Activity 4** - Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602).
- **Activity 5** - Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604).
- **Activity 6** - Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, subds. (b) through (d), and 6608, subds. (a) through (d)).
- **Activity 7** - Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d)).
- **Activity 8** - Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602).

Request to Adopt a New Test Claim Decision
Department of Finance
Sexually Violent Predators (CSM – 4509)
Section 5: Detailed Analysis

In 1998, the Commission on State Mandates adopted the Statement of Decision for the Sexually Violent Predators (SVP) mandate (CSM - 4509) and approved reimbursement for specified activities mandated under Welfare and Institutions Code sections 6601-6608.

On November 7, 2006, California voters approved Proposition 83 (Prop 83), also known as Jessica's Law, which substantively amended and reenacted sections of the Welfare and Institutions Code relative to the SVP mandate. Government Code section 17570 sets forth a process for adopting a new test claim decision based on a subsequent change in law. Section 17570 defines a subsequent change in law as a change in law that requires a finding that an incurred cost is a cost mandated by the state (Government Code section 17514) or is not a cost mandated by the state (Government Code section 17556).

The enactment of Prop 83 constituted a "subsequent change in law", as defined in Government Code section 17570, because all of the Welfare and Institutions Code sections of the SVP mandate are either expressly included in Prop 83 or are necessary to implement Prop 83. Pursuant to Government Code section 17556, subdivision (f), the cost incurred by a local agency to comply with the SVP mandate is no longer a cost mandated by the state. Therefore, the state's obligation to reimburse affected local agencies has ceased.

The entire text of the sections amended by voters in Prop 83, including the portions not amended, was reenacted by the voters pursuant to Article IV, section 9, of the California Constitution. Because voters approved all of the text in Prop 83, including subdivisions not amended, the sections that formed the SVP mandate are no longer reimbursable pursuant to Government Code section 17556, subdivision (f). These Welfare and Institutions Code sections of the mandate were expressly included in the ballot measure.

The remainder of the mandate's Welfare and Institutions Code sections that were not expressly included in the ballot measure are, nevertheless, necessary to implement the ballot measure. These, too, are no longer reimbursable under Government Code section 17556, subdivision (f). In summary, all activities found to be reimbursable by the Commission in the SVP mandate are no longer reimbursable pursuant to Government Code section 17556, subdivision (f) as they are either: (1) expressly included in Prop 83 or, (2) necessary for the implementation of Prop 83.

The following activities are expressly included in and reenacted by Prop 83 and are no longer reimbursable:

Activity 1 - Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, subd. (i)).

- The district attorney or county counsel is designated by the county board of supervisors to assume responsibility for the proceedings. Although subdivision (i) was not amended by Prop 83, all of section 6601 was reenacted by the voters and therefore, this is no longer a reimbursable activity under the SVP mandate.

Request to Adopt a New Test Claim Decision
Department of Finance
Sexually Violent Predators (CSM – 4509)
Section 5: Detailed Analysis

Activity 2 - Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, subd. (i)).

- The district attorney or county counsel is designated by the county board of supervisors to assume responsibility for the initial review of reports and records. Although subdivision (i) was not amended by Prop 83, all of section 6601 was reenacted by the voters and therefore, this is no longer a reimbursable activity under the SVP mandate.

Activity 3 - Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, subd. (j)).

- Although neither subdivision (i) nor (j) was amended by Prop 83, all of section 6601 was reenacted by the voters and therefore, this is no longer a reimbursable activity under the SVP mandate. **SOD and P&Gs reference to subdivision (j) is likely a typographical error and should be (i) because subdivision (j) lacks subject matter relevancy to this reimbursable activity.

Activity 6 - Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, § 6605, subds. (b) through (d), and Welf. & Inst. Code, § 6608, subds. (a) through (d)).

- Subsequent to a person being committed for an indeterminate term (Welfare and Institutions Code section 6604), Prop 83 requires hearings to determine whether or not the person is still considered to be an SVP. Welfare and Institutions Code section 6605, as amended and reenacted by Prop 83, in subdivision (d) restates the rights of the committed person during subsequent hearings to be the same constitutional protections provided to them at the initial commitment proceeding. Additionally, Prop 83 amends provisions in Welfare and Institutions Code section 6608 that set forth a process to allow the committed person to petition for conditional release or unconditional discharge. Because the aforementioned Welfare and Institutions Code sections were amended and reenacted by Prop 83, these activities are no longer reimbursable under the SVP mandate.

The following activities are necessary to implement Prop 83 and are no longer reimbursable:

Activity 4 - Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602).

- Welfare and Institutions Code section 6604 has been amended by Prop 83 to require an SVP be determined, beyond a reasonable doubt, to still be a sexually violent predator and be committed to an indeterminate term rather than the two-year term set forth in Welfare and Institutions Code section 6602. Because Prop 83 specifies the court or jury determination process regarding sentencing in Welfare and Institutions Code section 6604, it is clear the requirement to hold a probable cause hearing would have been a preceding event. In summary, the probable cause hearing held to determine if

Request to Adopt a New Test Claim Decision
Department of Finance
Sexually Violent Predators (CSM – 4509)
Section 5: Detailed Analysis

the individual is an SVP, as provided for in Welfare and Institutions Code section 6602, is necessary to implement Prop 83 and the subsequent hearing provisions in Welfare and Institutions Code section 6604. Further, the substance of section 6602 is referenced in Welfare and Institutions Code section 6605, subdivision (d) that was reenacted by Prop 83.

Activity 5 - Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604).

- Welfare and Institutions Code section 6603 establishes the criteria to meet obligations contained in sections 6604 and 6605, subdivision (d). Welfare and Institutions Code section 6603 recognizes the constitutional rights of the SVP and thus is an inherently necessary component of implementing Prop 83. Welfare and Institutions Code section 6604, through Prop 83, restates the person committed shall be entitled to the same constitutional protections afforded at the initial commitment proceeding. Moreover, Prop 83 reenacted provisions in Welfare and Institutions Code section 6601, subdivisions (h) through (l) that provide for specified state and local procedures regarding the original commitment process. The processes identified in Welfare and Institutions Code section 6601, subdivisions (h) through (l) require either the district attorney or county counsel to assume the responsibility for proceedings under the entire article. Therefore, it is necessary to provide an SVP, as with any defendant, specified constitutional protections. Because SVP defense-related processes are integral and inherently related to the function and intent of Prop 83, they are necessary statutory components of its implementation and are no longer reimbursable under the SVP mandate.
- The Commission attributed portions of this mandated activity to section 6604, and that section is expressly included in Prop 83.

Activity 7 - Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, subd. (d)).

- Welfare and Institutions Code section 6603 establishes the criteria to meet obligations contained in Prop 83 as amended and reenacted under Welfare and Institutions Code sections 6604 and 6605, subdivision (d). Welfare and Institutions Code section 6603 recognizes the constitutional rights of the SVP and thus is an inherently necessary component of Prop 83. Therefore, it is necessary to provide an SVP, as with any defendant, specified constitutional protections. Because SVP defense-related processes are integral and inherently related to the function and intent of Prop 83, they are necessary statutory components of its implementation and are no longer reimbursable under the SVP mandate.
- The Commission attributed portions of this mandated activity to section 6605, and that section is expressly included in Prop 83.

**Request to Adopt a New Test Claim Decision
Sexually Violent Predators (CSM – 4509)
5: Detailed Analysis**

- Welfare and Institutions Code section 6604 includes specified jury and court procedures that occur subsequent to the probable cause process as set forth in Welfare and Institutions Code section 6602. Prop 83 reenacted subdivision (d) of Section 6605 that establishes the SVP is entitled to the same constitutional rights provided them at the original commitment proceeding and thus section 6602 is an integral component necessary for Prop 83's implementation. The initial probable cause hearing, as defined in section 6602, is necessary to determine if the person is an SVP. Therefore, subsequent hearings, as defined in Welfare and Institutions Code section 6601, subdivisions (h) through (l), and Welfare and Institutions Code section 6604, could only occur following the initial commitment procedures set forth in Welfare and Institutions Code section 6602. During this time, housing and transportation must be provided pursuant to section 6602. Therefore, Welfare and Institutions Code section 6602 is necessary to implement section 6604, which is part of the ballot measure. Activities, including transportation and housing, associated with the initial SVP determination process are necessary statutory components of Prop 83 implementation and are no longer reimbursable under the SVP mandate.

The preceding activities previously determined to be reimbursable in the Statement of Decision for the SVP mandate (CSM-4509) cease to be a reimbursable mandate pursuant to the amended, reenacted or referenced code sections expressly included in, or necessary to implement Prop 83, pursuant to Government Code section 17570, and Government Code section 17556, subdivision (f).

Request to Adopt a New Test Claim Decision
Department of Finance
Sexually Violent Predators (CSM – 4509)
6: Declarations

Enclosure

According to Schedule A-1 of the Controller's November 14, 2012, "State Mandated Program Cost Report As of September 30, 2012" (See Attachment C), the State provided \$20,754,301 General Fund in 2012-13 to reimburse eligible claimants for the cost of implementing the SVP mandate. Based on that data, the Department of Finance included an estimate of \$21,792,000 General Fund in the 2013-14 Governor's Budget for the cost of the mandate. As costs are paid two years in arrears, the estimate is to provide reimbursement for costs incurred in the 2011-12 fiscal year.

Based on the forgoing analysis, which provides substantiation that the eight previously reimbursable activities in the SVP Statement of Decision (CSM-4509) cease to be eligible for reimbursement, the State's liability for mandate reimbursement pursuant to Article XIII B, Section 6 of the California Constitution should be zero. Pursuant to Government Code section 17570, subdivision (f) and the pre-June 30, 2013 filing date of this request, the effective date of eliminating reimbursement for the SVP mandate will be July 1, 2011.

**Request to Adopt a New Test Claim Decision
Sexually Violent Predators (CSM – 4509)
6: Declarations**

Enclosure

DECLARATION OF RANDALL WARD
DEPARTMENT OF FINANCE

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

1-15-13

at Sacramento, CA



Randall Ward

**Request to Adopt a New Test Claim Decision
Sexually Violent Predators (CSM – 4509)
7: Documentation**

Attachments

Text of Proposed Laws: Proposition 83.....	A
Welfare and Institutions Code sections 6601 through 6608.....	B
State Controller’s November 14, 2012 “State Mandated Program Cost Report (AB 3000)”	C

include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

5096.963. For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, with interest at the rate earned by the money in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5096.964. All money deposited in the fund that is derived from premium and accrued interest on bonds sold pursuant to this chapter shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.965. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond proceeds. These costs shall be shared proportionally by each program funded through this bond act.

5096.966. The bonds issued and sold pursuant to this chapter may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the electors of the state for the issuance of the bonds under this chapter shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

5096.967. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

PROPOSITION 83

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Penal Code and amends sections of the Welfare and Institutions Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. SHORT TITLE

This Act shall be known and may be cited as "The Sexual Predator Punishment and Control Act: Jessica's Law."

SEC. 2. FINDINGS AND DECLARATIONS

The People find and declare each of the following:

(a) The State of California currently places a high priority on maintaining public safety through a highly skilled and trained law enforcement as well as laws that deter and punish criminal behavior.

(b) Sex offenders have very high recidivism rates. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend, and they prey on the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under the age of 18. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

(c) Child pornography exploits children and robs them of their innocence. FBI studies have shown that pornography is very influential in the actions of sex offenders. Statistics show that 90% of the predators

who molest children have had some type of involvement with pornography. Predators often use child pornography to aid in their molestation.

(d) The universal use of the Internet has also ushered in an era of increased risk to our children by predators using this technology as a tool to lure children away from their homes and into dangerous situations. Therefore, to reflect society's disapproval of this type of activity, adequate penalties must be enacted to ensure predators cannot escape prosecution.

(e) With these changes, Californians will be in a better position to keep themselves, their children, and their communities safe from the threat posed by sex offenders.

(f) It is the intent of the People in enacting this measure to help Californians better protect themselves, their children, and their communities; it is not the intent of the People to embarrass or harass persons convicted of sex offenses.

(g) Californians have a right to know about the presence of sex offenders in their communities, near their schools, and around their children.

(h) California must also take additional steps to monitor sex offenders, to protect the public from them, and to provide adequate penalties for and safeguards against sex offenders, particularly those who prey on children. Existing laws that punish aggravated sexual assault, habitual sexual offenders, and child molesters must be strengthened and improved. In addition, existing laws that provide for the commitment and control of sexually violent predators must be strengthened and improved.

(i) Additional resources are necessary to adequately monitor and supervise sexual predators and offenders. It is vital that the lasting effects of the assault do not further victimize victims of sexual assault.

(j) Global Positioning System technology is a useful tool for monitoring sexual predators and other sex offenders and is a cost effective measure for parole supervision. It is critical to have close supervision of this class of criminals to monitor these offenders and prevent them from committing other crimes.

(k) California is the only state, of the number of states that have enacted laws allowing involuntary civil commitments for persons identified as sexually violent predators, which does not provide for indeterminate commitments. California automatically allows for a jury trial every two years irrespective of whether there is any evidence to suggest or prove that the committed person is no longer a sexually violent predator. As such, this act allows California to protect the civil rights of those persons committed as a sexually violent predator while at the same time protect society and the system from unnecessary or frivolous jury trial actions where there is no competent evidence to suggest a change in the committed person.

SEC. 3. Section 209 of the Penal Code is amended to read:

209. (a) Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away another person by any means whatsoever with intent to hold or detain, or who holds or detains, that person for ransom, reward or to commit extortion or to exact from another person any money or valuable thing, or any person who aids or abets any such act, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for life without possibility of parole in cases in which any person subjected to any such act suffers death or bodily harm, or is intentionally confined in a manner which exposes that person to a substantial likelihood of death, or shall be punished by imprisonment in the state prison for life with the possibility of parole in cases where no such person suffers death or bodily harm.

(b)(1) Any person who kidnaps or carries away any individual to commit robbery, rape, spousal rape, oral copulation, sodomy, or ~~sexual penetration~~ in any violation of Section 264.1, 288, or 289, shall be punished by imprisonment in the state prison for life with the possibility of parole.

(2) This subdivision shall only apply if the movement of the victim is beyond that merely incidental to the commission of, and increases the risk of harm to the victim over and above that necessarily present in, the intended underlying offense.

(c) In all cases in which probation is granted, the court shall, except in unusual cases where the interests of justice would best be served by a lesser penalty, require as a condition of the probation that the person be confined in the county jail for 12 months. If the court grants probation without requiring the defendant to be confined in the county jail for 12 months, it shall specify its reason or reasons for imposing a lesser penalty.

(d) Subdivision (b) shall not be construed to supersede or affect

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Section 667.61. A person may be charged with a violation of subdivision (b) and Section 667.61. However, a person may not be punished under subdivision (b) and Section 667.61 for the same act that constitutes a violation of both subdivision (b) and Section 667.61.

SEC. 4. Section 220 of the Penal Code is amended to read:

220. ~~Every~~ (a) Except as provided in subdivision (b), any person who assaults another with intent to commit mayhem, rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 ~~is punishable shall be punished~~ by imprisonment in the state prison for two, four, or six years.

(b) Any person who, in the commission of a burglary of the first degree, as defined in subdivision (a) of Section 460, assaults another with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 shall be punished by imprisonment in the state prison for life with the possibility of parole.

SEC. 5. Section 269 of the Penal Code is amended to read:

269. (a) Any person who commits any of the following acts upon a child who is under 14 years of age and ~~10~~ seven or more years younger than the person is guilty of aggravated sexual assault of a child:

(1) ~~A~~ Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.

(2) ~~A~~ Rape or sexual penetration, in concert, in violation of Section 264.1.

(3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286; ~~when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

(4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a; ~~when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

(5) ~~A~~ Sexual penetration, in violation of subdivision (a) of Section 289.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.

(c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

SEC. 6. Section 288.3 is added to the Penal Code, to read:

288.3. (a) Every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit an offense specified in Section 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4 or 311.11 involving the minor shall be punished by imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense.

(b) As used in this section, "contacts or communicates with" shall include direct and indirect contact or communication that may be achieved personally or by use of an agent or agency, any print medium, any postal service, a common carrier or communication common carrier, any electronic communications system, or any telecommunications, wire, computer, or radio communications device or system.

(c) A person convicted of a violation of subdivision (a) who has previously been convicted of a violation of subdivision (a) shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

SEC. 7. Section 290.3 of the Penal Code is amended to read:

290.3. (a) Every person who is convicted of any offense specified in subdivision (a) of Section 290 shall, in addition to any imprisonment or fine, or both, imposed for violation commission of the underlying offense, be punished by a fine of ~~two three~~ three hundred dollars (~~\$200~~) (\$300) upon the first conviction or a fine of ~~three five~~ five hundred dollars (~~\$300~~) (\$500) upon the second and each subsequent conviction, unless the court determines that the defendant does not have the ability to pay the fine.

An amount equal to all fines collected pursuant to this subdivision during the preceding month upon conviction of, or upon the forfeiture of bail by, any person arrested for, or convicted of, committing an offense specified in subdivision (a) of Section 290, shall be transferred once a month by the county treasurer to the Controller for deposit in the General Fund. Moneys deposited in the General Fund pursuant to this subdivision

shall be transferred by the Controller as provided in subdivision (b).

(b) ~~Out~~ Except as provided in subdivision (d), out of the moneys deposited pursuant to subdivision (a) as a result of second and subsequent convictions of Section 290, one-third shall first be transferred to the Department of Justice Sexual Habitual Offender Fund, as provided in paragraph (1) of this subdivision. Out of the remainder of all moneys deposited pursuant to subdivision (a), 50 percent shall be transferred to the Department of Justice Sexual Habitual Offender Fund, as provided in paragraph (1), 25 percent shall be transferred to the Department of Justice DNA Testing Fund, as provided in paragraph (2), and 25 percent shall be allocated equally to counties that maintain a local DNA testing laboratory, as provided in paragraph (3).

(1) Those moneys so designated shall be transferred to the Department of Justice Sexual Habitual Offender Fund created pursuant to paragraph (5) of subdivision (b) of Section 11170 and, when appropriated by the Legislature, shall be used for the purposes of Chapter 9.5 (commencing with Section 13885) and Chapter 10 (commencing with Section 13890) of Title 6 of Part 4 for the purpose of monitoring, apprehending, and prosecuting sexual habitual offenders.

(2) Those moneys so designated shall be directed to the Department of Justice and transferred to the Department of Justice DNA Testing Fund, which is hereby created, for the exclusive purpose of testing deoxyribonucleic acid (DNA) samples for law enforcement purposes. The moneys in that fund shall be available for expenditure upon appropriation by the Legislature.

(3) Those moneys so designated shall be allocated equally and distributed quarterly to counties that maintain a local DNA testing laboratory. Before making any allocations under this paragraph, the Controller shall deduct the estimated costs that will be incurred to set up and administer the payment of these funds to the counties. Any funds allocated to a county pursuant to this paragraph shall be used by that county for the exclusive purpose of testing DNA samples for law enforcement purposes.

(c) Notwithstanding any other provision of this section, the Department of Corrections or the Department of the Youth Authority may collect a fine imposed pursuant to this section from a person convicted of a violation of any offense listed in subdivision (a) of Section 290, that results in incarceration in a facility under the jurisdiction of the Department of Corrections or the Department of the Youth Authority. All moneys collected by the Department of Corrections or the Department of the Youth Authority under this subdivision shall be transferred, once a month, to the Controller for deposit in the General Fund, as provided in subdivision (a), for transfer by the Controller, as provided in subdivision (b).

(d) An amount equal to one hundred dollars for every fine imposed pursuant to subdivision (a) in excess of one hundred dollars shall be transferred to the Department of Corrections and Rehabilitation to defray the cost of the global positioning system used to monitor sex offender parolees.

SEC. 8. Section 311.11 of the Penal Code is amended to read:

311.11. (a) Every person who knowingly possesses or controls any matter, representation of information, data, or image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disc, data storage media, CD-ROM, or computer-generated equipment or any other computer-generated image that contains or incorporates in any manner, any film or filmstrip, the production of which involves the use of a person under the age of 18 years, knowing that the matter depicts a person under the age of 18 years personally engaging in or simulating sexual conduct, as defined in subdivision (d) of Section 311.4, is guilty of a ~~public offense felony~~ and shall be punished by imprisonment in the state prison, or a county jail for up to one year, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both the fine and imprisonment.

(b) ~~If a~~ Every person who commits a violation of subdivision (a), and who has been previously convicted of a violation of this section, ~~or of a violation of subdivision (b) of Section 311.2, or subdivision (b) of Section 311.4, or of the an offense described in subparagraph (A) of paragraph (2) of subdivision (a) of Section 290, or an attempt to commit any of the above-mentioned offenses,~~ is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(c) It is not necessary to prove that the matter is obscene in order to establish a violation of this section.



(d) This section does not apply to drawings, figurines, statues, or any film rated by the Motion Picture Association of America, nor does it apply to live or recorded telephone messages when transmitted, disseminated, or distributed as part of a commercial transaction.

SEC. 9. Section 667.5 of the Penal Code is amended to read:

667.5. Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence is imposed, in addition and consecutive to any other prison terms therefor, the court shall impose a one-year term for each prior separate prison term served for any felony; provided that no additional term shall be imposed under this subdivision for any prison term served prior to a period of five years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.

(4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person as defined in subdivision (c) or (d) of Section 286.

(5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person as defined in subdivision (c) or (d) of Section 288a.

(6) Lewd acts on a child under the age of 14 years or lascivious act as defined in subdivision (a) or (b) of Section 288.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.

(9) Any robbery.

(10) Arson, in violation of subdivision (a) or (b) of Section 451.

(11) ~~The offense Sexual penetration as defined in subdivision (a) or (j) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

(12) Attempted murder.

(13) A violation of Section 12308, 12309, or 12310.

(14) Kidnapping.

(15) Assault with the intent to commit ~~mayhem, rape, sodomy, or oral copulation a specified felony~~, in violation of Section 220.

(16) Continuous sexual abuse of a child, in violation of Section 288.5.

(17) Carjacking, as defined in subdivision (a) of Section 215.

(18) ~~Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.~~

(19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code.

(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.

(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(22) Any violation of Section 12022.53.

(23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

(d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody or until release on parole, whichever first occurs, including any time during which the defendant remains subject to reimprisonment for escape from custody or is reimprisoned on revocation of parole. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.

(c) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Director of Corrections is incarcerated at a facility operated by the Department of the Youth Authority, that incarceration shall be deemed to be a term served in state prison.

(k) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

SEC. 10. Section 667.51 of the Penal Code is amended to read:

667.51. (a) Any person who is ~~found guilty convicted~~ of violating Section 288 or 288.5 shall receive a five-year enhancement for a prior conviction of an offense listed specified in subdivision (b); ~~provided that no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense that results in a felony conviction.~~

(b) Section 261, 262, 264.1, 269, 285, 286, 288, 288a, 288.5, or 289, or any offense committed in another jurisdiction that includes all of the elements of any of the offenses set forth specified in this subdivision.

(c) Section 261, 264.1, 286, 288, 288a, 288.5, or 289, or any offense committed in another jurisdiction that includes all of the elements of any of the offenses set forth in this subdivision.

(d) A violation of Section 288 or 288.5 by a person who has been

previously convicted two or more times of an offense listed specified in subdivision (c) is punishable as a felony (b) shall be punished by imprisonment in the state prison for 15 years to life. However, if the two or more prior convictions were for violations of Section 288, this subdivision is applicable only if the current violation or at least one of the prior convictions is for an offense other than a violation of subdivision (a) of Section 288. For purposes of this subdivision, a prior conviction is required to have been for charges brought and tried separately. The provisions of Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall apply to reduce any minimum term in a state prison imposed pursuant to this section, but that person shall not otherwise be released on parole prior to that time.

SEC. 11. Section 667.6 of the Penal Code is amended to read:

667.6. (a) Any person who is found guilty of violating paragraph (2), (3), (6), or (7) of subdivision (a) of Section 261, paragraph (1), (4), or (5) of subdivision (a) of Section 262, Section 264.1, subdivision (b) of Section 288, Section 288.5 or subdivision (a) of Section 289, of committing sodomy in violation of subdivision (k) of Section 286, of committing oral copulation in violation of subdivision (k) of Section 288a, or of committing sodomy or oral copulation in violation of Section 286 or 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person convicted of an offense specified in subdivision (e) and who has been convicted previously of any of those offenses shall receive a five-year enhancement for each of those prior convictions provided that no enhancement shall be imposed under this subdivision for any conviction occurring prior to a period of 10 years in which the person remained free of both prison custody and the commission of an offense which results in a felony conviction. In addition to the five-year enhancement imposed under this subdivision, the court also may impose a fine not to exceed twenty thousand dollars (\$20,000) for anyone sentenced under these provisions. The fine imposed and collected pursuant to this subdivision shall be deposited in the Victim Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs established pursuant to Section 13837.

(b) Any person who is convicted of an offense specified in subdivision (a) (e) and who has served two or more prior prison terms as defined in Section 667.5 for any offense specified in subdivision (a); of those offenses shall receive a 10-year enhancement for each of those prior terms provided that no additional enhancement shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the person remained free of both prison custody and the commission of an offense which results in a felony conviction. In addition to the 10-year enhancement imposed under this subdivision, the court also may impose a fine not to exceed twenty thousand dollars (\$20,000) for any person sentenced under this subdivision. The fine imposed and collected pursuant to this subdivision shall be deposited in the Victim Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs established pursuant to Section 13837.

(c) In lieu of the term provided in Section 1170.1, a full, separate, and consecutive term may be imposed for each violation of Section 220, other than an assault with intent to commit mayhem, provided that the person has been convicted previously of violating Section 220 for an offense other than an assault with intent to commit mayhem, paragraph (2), (3), (6), or (7) of subdivision (a) of Section 261, paragraph (1), (4), or (5) of subdivision (a) of Section 262, Section 264.1, subdivision (b) of Section 288, Section 288.5 or subdivision (a) of Section 289, of committing sodomy in violation of subdivision (k) of Section 286, of committing oral copulation in violation of subdivision (k) of Section 288a, or of committing sodomy or oral copulation in violation of Section 286 or 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person whether or not the crimes were committed during a single transaction an offense specified in subdivision (e) if the crimes involve the same victim on the same occasion. A term may be imposed consecutively pursuant to this subdivision if a person is convicted of at least one offense specified in subdivision (e). If the term is imposed consecutively pursuant to this subdivision, it shall be served consecutively to any other term of imprisonment, and shall commence from the time the person otherwise would have been released from imprisonment. The term shall not be included in any determination pursuant to Section 1170.1. Any other term imposed subsequent to that term shall not be merged therein but

shall commence at the time the person otherwise would have been released from prison.

(d) A full, separate, and consecutive term shall be served imposed for each violation of Section 220, other than an assault with intent to commit mayhem, provided that the person has been convicted previously of violating Section 220 for an offense other than an assault with intent to commit mayhem, paragraph (2), (3), (6), or (7) of subdivision (a) of Section 261, paragraph (1), (4), or (5) of subdivision (a) of Section 262, Section 264.1, subdivision (b) of Section 288, subdivision (a) of Section 289, of committing sodomy in violation of subdivision (k) of Section 286, of committing oral copulation in violation of subdivision (k) of Section 288a, or of committing sodomy or oral copulation in violation of Section 286 or 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person an offense specified in subdivision (e) if the crimes involve separate victims or involve the same victim on separate occasions.

In determining whether crimes against a single victim were committed on separate occasions under this subdivision, the court shall consider whether, between the commission of one sex crime and another, the defendant had a reasonable opportunity to reflect upon his or her actions and nevertheless resumed sexually assaultive behavior. Neither the duration of time between crimes, nor whether or not the defendant lost or abandoned his or her opportunity to attack, shall be, in and of itself, determinative on the issue of whether the crimes in question occurred on separate occasions.

The term shall be served consecutively to any other term of imprisonment and shall commence from the time the person otherwise would have been released from imprisonment. The term shall not be included in any determination pursuant to Section 1170.1. Any other term imposed subsequent to that term shall not be merged therein but shall commence at the time the person otherwise would have been released from prison.

(e) This section shall apply to the following offenses:

- (1) Rape, in violation of paragraph (2), (3), (6), or (7) of subdivision (a) of Section 261.
- (2) Spousal rape, in violation of paragraph (1), (4), or (5) of subdivision (a) of Section 262.
- (3) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
- (4) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d) or (k), of Section 286.
- (5) Lewd or lascivious act, in violation of subdivision (b) of Section 288.
- (6) Continuous sexual abuse of a child, in violation of Section 288.5.
- (7) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d) or (k), of Section 288a.
- (8) Sexual penetration, in violation of subdivision (a) or (g) of Section 289.
- (9) As a present offense under subdivision (c) or (d), assault with intent to commit a specified sexual offense, in violation of Section 220.
- (10) As a prior conviction under subdivision (a) or (b), an offense committed in another jurisdiction that includes all of the elements of an offense specified in this subdivision.

(f) In addition to any enhancement imposed pursuant to subdivision (a) or (b), the court may also impose a fine not to exceed twenty thousand dollars (\$20,000) for anyone sentenced under those provisions. The fine imposed and collected pursuant to this subdivision shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs established pursuant to Section 13837. If the court orders a fine to be imposed pursuant to this subdivision (a) or (b), the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

SEC. 12. Section 667.61 of the Penal Code is amended to read:

667.61. (a) Any person who is convicted of an offense specified in subdivision (c) under one or more of the circumstances specified in subdivision (d) or under two or more of the circumstances specified in subdivision (e) shall be punished by imprisonment in the state prison for 25 years to life and shall not be eligible for release on parole for 25 years



except as provided in subdivision (j).

(b) Except as provided in subdivision (a), a *any* person who is convicted of an offense specified in subdivision (c) under one of the circumstances specified in subdivision (e) shall be punished by imprisonment in the state prison for 15 years to life and shall not be eligible for release on parole for 15 years except as provided in subdivision (j).

(c) This section shall apply to any of the following offenses:

(1) ★ *Rape*, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.

(2) ★ *Spousal rape*, in violation of paragraph (1) or (4) of subdivision (a) of Section 262.

(3) ★ *Rape, spousal rape, or sexual penetration, in concert*, in violation of Section 264.1.

(4) ★ *Lewd or lascivious act*, in violation of subdivision (b) of Section 288.

(5) ★ *Sexual penetration*, in violation of subdivision (a) of Section 289.

(6) ~~Sodomy or oral copulation~~ *Sodomy*, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286 ~~or 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.~~

(7) ★ *Oral copulation*, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a.

(8) *Lewd or lascivious act*, in violation of subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066.

(9) *Continuous sexual abuse of a child*, in violation of Section 288.5.

(d) The following circumstances shall apply to the offenses specified in subdivision (c):

(1) The defendant has been previously convicted of an offense specified in subdivision (c), including an offense committed in another jurisdiction that includes all of the elements of an offense specified in subdivision (c).

(2) The defendant kidnapped the victim of the present offense and the movement of the victim substantially increased the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c).

(3) The defendant inflicted aggravated mayhem or torture on the victim or another person in the commission of the present offense in violation of Section 205 or 206.

(4) The defendant committed the present offense during the commission of a burglary of the first degree, as defined in subdivision (a) of Section 460, with intent to commit an offense specified in subdivision (c).

(5) ~~The defendant committed the present offense in violation of Section 264.1, subdivision (d) of Section 286, or subdivision (d) of Section 288a, and, in the commission of that offense, any person committed any act described in paragraph (2), (3), or (4) of this subdivision.~~

(e) The following circumstances shall apply to the offenses specified in subdivision (c):

(1) Except as provided in paragraph (2) of subdivision (d), the defendant kidnapped the victim of the present offense in violation of Section 207, 209, or 209.5.

(2) Except as provided in paragraph (4) of subdivision (d), the defendant committed the present offense during the commission of a burglary, as defined in subdivision (a) of Section 460, or during the commission of a burglary of a building, including any commercial establishment, which was then closed to the public, in violation of Section 459.

(3) The defendant personally inflicted great bodily injury on the victim or another person in the commission of the present offense in violation of Section 12022.53, 12022.7, or 12022.8.

(4) The defendant personally used a dangerous or deadly weapon or a firearm in the commission of the present offense in violation of Section 12022, 12022.3, 12022.5, or 12022.53.

(5) The defendant has been convicted in the present case or cases of committing an offense specified in subdivision (c) against more than one victim.

(6) The defendant engaged in the tying or binding of the victim or

another person in the commission of the present offense.

(7) The defendant administered a controlled substance to the victim by force, violence, or fear in the commission of the present offense in violation of Section 12022.75.

(8) ~~The defendant committed the present offense in violation of Section 264.1, subdivision (d) of Section 286, or subdivision (d) of Section 288a, and, in the commission of that offense, any person committed any act described in paragraph (1), (2), (3), (4), (6), or (7) of this subdivision.~~

(f) If only the minimum number of circumstances specified in subdivision (d) or (e) which that are required for the punishment provided in subdivision (a) or (b) to apply have been pled and proved, that circumstance or those circumstances shall be used as the basis for imposing the term provided in subdivision (a) or (b), whichever is greater, rather than being used to impose the punishment authorized under any other provision of law, unless another provision of law provides for a greater penalty or the punishment under another provision of law can be imposed in addition to the punishment provided by this section. However, if any additional circumstance or circumstances specified in subdivision (d) or (e) have been pled and proved, the minimum number of circumstances shall be used as the basis for imposing the term provided in subdivision (a), and any other additional circumstance or circumstances shall be used to impose any punishment or enhancement authorized under any other provision of law.

(g) Notwithstanding Section 1385 or any other provision of law, the court shall not strike any allegation, admission, or finding of any of the circumstances specified in subdivision (d) or (e) for any person who is subject to punishment under this section.

(h) ~~The term specified in subdivision (a) or (b) shall be imposed on the defendant once for any offense or offenses committed against a single victim during a single occasion. If there are multiple victims during a single occasion, the term specified in subdivision (a) or (b) shall be imposed on the defendant once for each separate victim. Terms for other offenses committed during a single occasion shall be imposed as authorized under any other law, including Section 667.6, if applicable.~~

(i) ~~Probation~~ Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is subject to punishment under this section for any offense specified in paragraphs (1) to (6), inclusive, of subdivision (c).

(j) ~~For the any offense specified in paragraphs (1) to (7), inclusive, of subdivision (c), the court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.~~

(k) ~~The penalties provided in this section to shall apply; only if the existence of any fact required under circumstance specified in subdivision (d) or (e) shall be is alleged in the accusatory pleading pursuant to this section, and is either admitted by the defendant in open court or found to be true by the trier of fact.~~

(l) ~~Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall apply to reduce the minimum term of 25 years in the state prison imposed pursuant to subdivision (a) or 15 years in the state prison imposed pursuant to subdivision (b). However, in no case shall the minimum term of 25 or 15 years be reduced by more than 15 percent for credits granted pursuant to Section 2933, 4019, or any other law providing for conduct credit reduction. In no case shall any person who is punished under this section be released on parole prior to serving at least 85 percent of the minimum term of 25 or 15 years in the state prison.~~

SEC. 13. Section 667.71 of the Penal Code amended to read:

667.71. (a) For the purpose of this section, a habitual sexual offender is a person who has been previously convicted of one or more of the offenses listed specified in subdivision (c) and who is convicted in the present proceeding of one of those offenses.

(b) A habitual sexual offender is punishable shall be punished by imprisonment in the state prison for 25 years to life. ~~Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall apply to reduce any minimum term of 25 years in the state prison imposed pursuant to this section. However, in no case shall the minimum term of 25 years be reduced by more than 15 percent for credits granted pursuant to Section 2933, 4019, or any other law providing for conduct credit reduction. In no case shall any person who is punished under this section be released on parole prior to serving at least 85 percent of the minimum term of 25~~



years in the state prison:

(c) This section shall apply to any of the following offenses:

(1) ★ *Rape*, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.

(2) ★ *Spousal rape*, in violation of paragraph (1) or (4) of subdivision (a) of Section 262.

(3) ★ *Rape, spousal rape, or sexual penetration, in concert*, in violation of Section 264.1.

(4) ★ *Lewd or lascivious act*, in violation of subdivision (a) or (b) of Section 288.

(5) ★ *Sexual penetration*, in violation of subdivision (a) or (j) of Section 289.

(6) ★ *Continuous sexual abuse of a child*, in violation of Section 288.5.

(7) ★ *Sodomy*, in violation of subdivision (c) or (d) of Section 286 by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(8) A violation of subdivision (d) of Section 286.

(9) ★ *Oral copulation*, in violation of subdivision (c) or (d) of Section 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(10) ★ *Kidnapping*, in violation of subdivision (b) of Section 207.

(11) ★ *Kidnapping*, in violation of former subdivision (d) of Section 208 (kidnapping to commit specified sex offenses).

(12) ★ *Kidnapping*, in violation of subdivision (b) of Section 209 with the intent to commit rape, spousal rape, oral copulation, or sodomy or sexual penetration in violation of Section 289 a specified sexual offense.

(13) ★ *Aggravated sexual assault of a child*, in violation of Section 269.

(14) (13) An offense committed in another jurisdiction that has includes all of the elements of an offense specified in paragraphs (1) to (13), inclusive, of this subdivision.

(d) Notwithstanding Section 1385 or any other provision of law, the court shall not strike any allegation, admission, or finding of any prior conviction specified in subdivision (c) for any person who is subject to punishment under this section.

(e) Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is subject to punishment under this section.

(f) This section shall apply only if the defendant's status as a habitual sexual offender is alleged in the information accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by a plea of guilty or nolo contendere or by trial by court sitting without a jury trier of fact.

SEC. 14. Section 1203.06 of the Penal Code is amended to read:

1203.06. Notwithstanding Section 1203.07:

(a) Probation Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within this section be stricken pursuant to Section 1385 for, any of the following persons:

(1) Any person who personally used a firearm during the commission or attempted commission of any of the following crimes:

(A) Murder.

(B) Robbery, in violation of Section 211.

(C) Kidnapping, in violation of Section 207, 209, or 209.5.

(D) Kidnapping in violation of Section 209 Lewd or lascivious act, in violation of Section 288.

(E) Burglary of the first degree, as defined in Section 460.

(F) Except as provided in Section 1203.065, rape Rape, in violation of paragraph (2) of subdivision (a) of Section 261, 262, or 264.1.

(G) Assault with intent to commit rape or sodomy a specified sexual offense, in violation of Section 220.

(H) Escape, in violation of Section 4530 or 4532.

(I) Carjacking, in violation of Section 215.

(J) Any person convicted of aggravated Aggravated mayhem, in

violation of Section 205.

(K) Torture, in violation of Section 206.

(L) Kidnapping, in violation of Section 209.5 Continuous sexual abuse of a child, in violation of Section 288.5.

(M) A felony violation of Section 136.1 or 137.

(N) Sodomy, in violation of Section 286.

(O) Oral copulation, in violation of Section 288a.

(P) Sexual penetration, in violation of Section 289 or 264.1.

(Q) Aggravated sexual assault of a child, in violation of Section 269.

(2) Any person previously convicted of a felony specified in subparagraphs (A) to (L), inclusive, of paragraph (1), or assault with intent to commit murder under former Section 217, who is convicted of a subsequent felony and who was personally armed with a firearm at any time during its commission or attempted commission or was unlawfully armed with a firearm at the time of his or her arrest for the subsequent felony.

(3) Aggravated arson, in violation of Section 451.5.

(b)(1) The existence of any fact which that would make a person ineligible for probation under subdivision (a) shall be alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt, by the court where guilt is established by plea of guilty or nolo contendere, or by trial by the court sitting without a jury trier of fact.

(2) This subdivision does not prohibit the adjournment of criminal proceedings pursuant to Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

(3) As used in subdivision (a), "used a firearm" means to display a firearm in a menacing manner, to intentionally fire it, or to intentionally strike or hit a human being with it, or to use it in any manner that qualifies under Section 12022.5.

(4) (3) As used in subdivision (a), "armed with a firearm" means to knowingly carry or have available for use a firearm as a means of offense or defense.

SEC. 15. Section 1203.065 of the Penal Code is amended to read:

1203.065. (a) Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person who is convicted of violating paragraph (2) or (6) of subdivision (a) of Section 261, Section 264.1, 266h, 266i, or 266j, or 269, paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286, paragraph (2) or (3) of subdivision (e), or subdivision (d), of Section 288a, subdivision (a) of Section 289, or committing sodomy or oral copulation in violation of Section 286 or 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, or of violating subdivision (c) of Section 311.4.

(b)(1) Except in unusual cases where the interests of justice would best be served if the person is granted probation, probation shall not be granted to any person who is convicted of a violation of violating paragraph (7) of subdivision (a) of Section 261, subdivision (k) of Section 286, subdivision (k) of Section 288a, subdivision (g) of Section 289, or Section 220 for assault with intent to commit any of the following: rape, sodomy, oral copulation, or any violation of Section 264.1, subdivision (b) of Section 288, or Section 289 a specified sexual offense.

(2) When probation is granted, the court shall specify on the record and shall enter on the minutes the circumstances indicating that the interests of justice would best be served by the disposition.

SEC. 16. Section 1203.075 of the Penal Code is amended to read:

1203.075. Notwithstanding the provisions of Section 1203.07:

(a) Probation Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within this section be stricken pursuant to Section 1385 for, any person who, with the intent to inflict the injury, personally inflicts great bodily injury, as defined in Section 12022.7, on the person of another in the commission or attempted commission of any of the following crimes:

(1) Murder.

(2) Robbery, in violation of Section 211.

(3) Kidnapping, in violation of Section 207, 209, or 209.5.

(4) Kidnapping, in violation of Section 209 Lewd or lascivious act, in violation of Section 288.

- (5) Burglary of the first degree, as defined in Section 460.
- (6) Rape, in violation of ~~paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 261, 262, or 264.1.~~
- (7) Assault with intent to commit ~~rape or sodomy~~ *a specified sexual offense*, in violation of Section 220.
- (8) Escape, in violation of Section 4530 or 4532.
- (9) ~~Sexual penetration~~, in violation of ~~subdivision (a) of Section 289 or 264.1.~~
- (10) Sodomy, in violation of Section 286.
- (11) Oral copulation, in violation of Section 288a.
- (12) Carjacking, in violation of Section 215.
- (13) ~~Kidnapping~~, in violation of ~~Section 209.5~~ *Continuous sexual abuse of a child, in violation of Section 288.5.*
- (14) *Aggravated sexual assault of a child, in violation of Section 269.*

(b)(+) The existence of any fact ~~which that~~ would make a person ineligible for probation under subdivision (a) shall be alleged in the accusatory pleading, and either admitted by the defendant in open court, or found to be true by the ~~jury trying the issue of guilt or by the court where guilt is established by a plea of guilty or nolo contendere or by a trial by the court sitting without a jury trier of fact.~~

~~(2) This subdivision does not prohibit the adjournment of criminal proceedings pursuant to Division 3 (commencing with Section 3000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.~~

~~(3) As used in subdivision (a), "great bodily injury" means "great bodily injury" as defined in Section 12022.7.~~

SEC. 17. Section 3000 of the Penal Code is amended to read:

3000. (a)(l) The Legislature finds and declares that the period immediately following incarceration is critical to successful reintegration of the offender into society and to positive citizenship. It is in the interest of public safety for the state to provide for the supervision of and surveillance of parolees, including the judicious use of revocation actions, and to provide educational, vocational, family and personal counseling necessary to assist parolees in the transition between imprisonment and discharge. A sentence pursuant to Section 1168 or 1170 shall include a period of parole, unless waived, as provided in this section.

(2) The Legislature finds and declares that it is not the intent of this section to diminish resources allocated to the Department of Corrections for parole functions for which the department is responsible. It is also not the intent of this section to diminish the resources allocated to the Board of Prison Terms to execute its duties with respect to parole functions for which the board is responsible.

(3) The Legislature finds and declares that diligent effort must be made to ensure that parolees are held accountable for their criminal behavior, including, but not limited to, the satisfaction of restitution fines and orders.

~~(4) Any finding made pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, that a person is The parole period of any person found to be a sexually violent predator shall not toll, discharge, or otherwise affect that person's be tolled until that person is found to no longer be a sexually violent predator, at which time the period of parole, or any remaining portion thereof, shall begin to run.~~

(b) Notwithstanding any provision to the contrary in Article 3 (commencing with Section 3040) of this chapter, the following shall apply:

(1) At the expiration of a term of imprisonment of one year and one day, or a term of imprisonment imposed pursuant to Section 1170 or at the expiration of a term reduced pursuant to Section 2931 or 2933, if applicable, the inmate shall be released on parole for a period not exceeding three years, except that any inmate sentenced for an offense specified in paragraph (3), (4), (5), (6), (11), (16), or (18) of subdivision (c) of Section 667.5 shall be released on parole for a period not exceeding five years, unless in either case the parole authority for good cause waives parole and discharges the inmate from the custody of the department.

(2) In the case of any inmate sentenced under Section 1168, the period of parole shall not exceed five years in the case of an inmate imprisoned for any offense other than first or second degree murder for which the inmate has received a life sentence, and shall not exceed three years in the case of any other inmate, unless in either case the parole authority for good cause

waives parole and discharges the inmate from custody of the department. This subdivision shall also be applicable to inmates who committed crimes prior to July 1, 1977, to the extent specified in Section 1170.2.

(3) Notwithstanding paragraphs (1) and (2), in the case of any offense for which the inmate has received a life sentence pursuant to Section 667.61 or 667.71, the period of parole shall be five 10 years. ~~Upon the request of the Department of Corrections, and on the grounds that the paroled inmate may pose a substantial danger to public safety, the Board of Prison Terms shall conduct a hearing to determine if the parolee shall be subject to a single additional five-year period of parole. The board shall conduct the hearing pursuant to the procedures and standards governing parole revocation. The request for parole extension shall be made no less than 180 days prior to the expiration of the initial five-year period of parole.~~

(4) The parole authority shall consider the request of any inmate regarding the length of his or her parole and the conditions thereof.

(5) Upon successful completion of parole, or at the end of the maximum statutory period of parole specified for the inmate under paragraph (1), (2), or (3), as the case may be, whichever is earlier, the inmate shall be discharged from custody. The date of the maximum statutory period of parole under this subdivision and paragraphs (1), (2), and (3) shall be computed from the date of initial parole ~~or from the date of extension of parole pursuant to paragraph (3) and shall be a period chronologically determined. Time during which parole is suspended because the prisoner has absconded or has been returned to custody as a parole violator shall not be credited toward any period of parole unless the prisoner is found not guilty of the parole violation. However, in no case, except the period of parole is subject to the following:~~

(A) ~~Except as provided in Section 3064, in no case may a prisoner subject to three years on parole be retained under parole supervision or in custody for a period longer than four years from the date of his or her initial parole, and, except parole.~~

(B) ~~Except as provided in Section 3064, in no case may a prisoner subject to five years on parole be retained under parole supervision or in custody for a period longer than seven years from the date of his or her initial parole or from the date of extension of parole pursuant to paragraph (3).~~

(C) ~~Except as provided in Section 3064, in no case may a prisoner subject to 10 years on parole be retained under parole supervision or in custody for a period longer than 15 years from the date of his or her initial parole.~~

(6) The Department of Corrections shall meet with each inmate at least 30 days prior to his or her good time release date and shall provide, under guidelines specified by the parole authority, the conditions of parole and the length of parole up to the maximum period of time provided by law. The inmate has the right to reconsideration of the length of parole and conditions thereof by the parole authority. The Department of Corrections or the Board of Prison Terms may impose as a condition of parole that a prisoner make payments on the prisoner's outstanding restitution fines or orders imposed pursuant to subdivision (a) or (c) of Section 13967 of the Government Code, as operative prior to September 28, 1994, or subdivision (b) or (f) of Section 1202.4.

(7) For purposes of this chapter, the Board of Prison Terms shall be considered the parole authority.

(8) The sole authority to issue warrants for the return to actual custody of any state prisoner released on parole rests with the Board of Prison Terms, except for any escaped state prisoner or any state prisoner released prior to his or her scheduled release date who should be returned to custody, and Section 3060 shall apply.

(9) It is the intent of the Legislature that efforts be made with respect to persons who are subject to subparagraph (C) of paragraph (1) of subdivision (a) of Section 290 who are on parole to engage them in treatment.

SEC. 18. Section 3000.07 is added to the Penal Code, to read:

3000.07. (a) *Every inmate who has been convicted for any felony violation of a "registerable sex offense" described in subparagraph (A) of paragraph (2) of subdivision (a) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for the term of his or her parole, or for the duration or any remaining part thereof, whichever period of time is less.*

(b) *Any inmate released on parole pursuant to this section shall be required to pay for the costs associated with the monitoring by a global positioning system. However, the Department of Corrections shall waive any*



or all of that payment upon a finding of an inability to pay. The department shall consider any remaining amounts the inmate has been ordered to pay in fines, assessments and restitution fines, fees, and orders, and shall give priority to the payment of those items before requiring that the inmate pay for the global positioning monitoring. No inmate shall be denied parole on the basis of his or her inability to pay for those monitoring costs.

SEC. 19. Section 3001 of the Penal Code is amended to read:

3001. (a) Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was not imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison, and has been on parole continuously for one year since release from confinement, within 30 days, that person shall be discharged from parole, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the board, for good cause, determines that the person will be retained. Notwithstanding any other provision of law, when any person referred to in paragraph (1) of subdivision (b) of Section 3000 who was imprisoned for committing a violent felony, as defined in subdivision (c) of Section 667.5, has been released on parole from the state prison for a period not exceeding three years and has been on parole continuously for two years since release from confinement, or has been released on parole from the state prison for a period not exceeding five years and has been on parole continuously for three years since release from confinement, the department shall discharge, within 30 days, that person from parole, unless the department recommends to the board that the person be retained on parole and the board, for good cause, determines that the person will be retained. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(b) Notwithstanding any other provision of law, when any person referred to in paragraph (2) ~~or (3)~~ of subdivision (b) of Section 3000 has been released on parole from the state prison, and has been on parole continuously for three years since release from confinement ~~or since extension of parole~~, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.

(c) *Notwithstanding any other provision of law, when any person referred to in paragraph (3) of subdivision (b) of Section 3000 has been released on parole from the state prison, and has been on parole continuously for six years since release from confinement, the board shall discharge, within 30 days, the person from parole, unless the board, for good cause, determines that the person will be retained on parole. The board shall make a written record of its determination and the department shall transmit a copy thereof to the parolee.*

(d) In the event of a retention on parole, the parolee shall be entitled to a review by the parole authority each year thereafter until the maximum statutory period of parole has expired.

~~(d)~~ (e) The amendments to this section made during the 1987–88 Regular Session of the Legislature shall only be applied prospectively and shall not extend the parole period for any person whose eligibility for discharge from parole was fixed as of the effective date of those amendments.

SEC. 20. Section 3003 of the Penal Code is amended to read:

3003. (a) Except as otherwise provided in this section, an inmate who is released on parole shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration.

For purposes of this subdivision, “last legal residence” shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Prison Terms setting the conditions of parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee’s permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following

factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.

(2) Public concern that would reduce the chance that the inmate’s parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate’s parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(l) The following information, if available, shall be released by the Department of Corrections to local law enforcement agencies regarding a paroled inmate who is released in their jurisdictions:

(A) Last, first, and middle name.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver’s license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the parolee’s residence location for use with a Geographical Information System (GIS) or comparable computer program.

(2) The information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(3) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(4) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

(f) Notwithstanding any other provision of law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, of subdivision (c) of Section 667.5 or a

felony in which the defendant inflicts great bodily injury on any person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

(g)(1) Notwithstanding any other law, an inmate who is released on parole for any violation of Section 288 or 288.5 shall not be placed or reside, for the duration of his or her period of parole, within one quarter mile of any public or private school, including any or all of kindergarten and grades 1 to 8, inclusive.

Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of the victim.

(i) (h) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) (i) An inmate may be paroled to another state pursuant to any other law.

(k) (j)(1) Except as provided in paragraph (2), the Department of Corrections shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e).

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

SEC. 21. Section 3003.5 of the Penal Code is amended to read:

3003.5. (a) Notwithstanding any other provision of law, when a person is released on parole after having served a term of imprisonment in state prison for any offense for which registration is required pursuant to Section 290, that person may not, during the period of parole, reside in any single family dwelling with any other person also required to register pursuant to Section 290, unless those persons are legally related by blood, marriage, or adoption. For purposes of this section, "single family dwelling" shall not include a residential facility which serves six or fewer persons.

(b) Notwithstanding any other provision of law, it is unlawful for any person for whom registration is required pursuant to Section 290 to reside within 2000 feet of any public or private school, or park where children regularly gather.

(c) Nothing in this section shall prohibit municipal jurisdictions from enacting local ordinances that further restrict the residency of any person for whom registration is required pursuant to Section 290.

SEC. 22. Section 3004 of the Penal Code is amended to read:

3004. (a) Notwithstanding any other law, the parole authority may require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices for the purpose of helping to verify his or her compliance with all other conditions of parole. The devices shall not be used to eavesdrop or record any conversation, except a conversation between the parolee and the agent supervising the parolee which is to be used solely for the purposes of voice identification.

(b) Every inmate who has been convicted for any felony violation of a "registerable sex offense" described in subparagraph (A) of paragraph (2) of subdivision (a) of Section 290 or any attempt to commit any of the above-mentioned offenses and who is committed to prison and released on parole pursuant to Section 3000 or 3000.1 shall be monitored by a global positioning system for life.

(c) Any inmate released on parole pursuant to this section shall be required to pay for the costs associated with the monitoring by a global positioning system. However, the Department of Corrections shall waive any or all of that payment upon a finding of an inability to pay. The department shall consider any remaining amounts the inmate has been ordered to pay in fines, assessments and restitution fines, fees, and orders, and shall give priority to the payment of those items before requiring that the inmate pay for the global positioning monitoring.

SEC. 23. Section 12022.75 of the Penal Code is amended to read:

12022.75. Any (a) Except as provided in subdivision (b), any person who, for the purpose of committing a felony, administers by injection, inhalation, ingestion, or any other means, any controlled substance listed in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code, against the victim's will by means of force, violence, or fear of immediate and unlawful bodily injury to the victim or another person, shall, in addition and consecutive to the penalty provided for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of three years.

(b)(1) Any person who, in the commission or attempted commission of any offense specified in paragraph (2), administers any controlled substance listed in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code to the victim shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

(2) This subdivision shall apply to the following offenses:

(A) Rape, in violation of paragraph (3) or (4) of subdivision (a) of Section 261.

(B) Sodomy, in violation of subdivision (f) or (i) of Section 286.

(C) Oral copulation, in violation of subdivision (f) or (i) of Section 288a.

(D) Sexual penetration, in violation of subdivision (d) or (e) of Section 289.

(E) Any offense specified in subdivision (c) of Section 667.61.

SEC. 24. Section 6600 of the Welfare and Institutions Code is amended to read:

6600. As used in this article, the following terms have the following meanings:

(a)(1) "Sexually violent predator" means a person who has been convicted of a sexually violent offense against two or more victims and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(2) For purposes of this subdivision any of the following shall be considered a conviction for a sexually violent offense:

(A) A prior or current conviction that resulted in a determinate prison sentence for an offense described in subdivision (b).

(B) A conviction for an offense described in subdivision (b) that was committed prior to July 1, 1977, and that resulted in an indeterminate prison sentence.

(C) A prior conviction in another jurisdiction for an offense that includes all of the elements of an offense described in subdivision (b).

(D) A conviction for an offense under a predecessor statute that includes all of the elements of an offense described in subdivision (b).

(E) A prior conviction for which the inmate received a grant of probation for an offense described in subdivision (b).

(F) A prior finding of not guilty by reason of insanity for an offense described in subdivision (b).

(G) A conviction resulting in a finding that the person was a mentally disordered sex offender.

(H) A prior conviction for an offense described in subdivision (b) for which the person was committed to the Department of the Youth Authority pursuant to Section 1731.5.

(I) A prior conviction for an offense described in subdivision (b) that resulted in an indeterminate prison sentence.

(3) Conviction of one or more of the crimes enumerated in this section shall constitute evidence that may support a court or jury determination that a person is a sexually violent predator, but shall not be the sole basis for the determination. The existence of any prior convictions may be shown with documentary evidence. The details underlying the commission of an



offense that led to a prior conviction, including a predatory relationship with the victim, may be shown by documentary evidence, including, but not limited to, preliminary hearing transcripts, trial transcripts, probation and sentencing reports, and evaluations by the State Department of Mental Health. Jurors shall be admonished that they may not find a person a sexually violent predator based on prior offenses absent relevant evidence of a currently diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior.

(4) The provisions of this section shall apply to any person against whom proceedings were initiated for commitment as a sexually violent predator on or after January 1, 1996.

(b) "Sexually violent offense" means the following acts when committed by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, or threatening to retaliate in the future against the victim or any other person, and that are committed on, before, or after the effective date of this article and result in a conviction or a finding of not guilty by reason of insanity, as provided defined in subdivision (a): a felony violation of paragraph (2) of subdivision (a) of Section 261, paragraph (1) of subdivision (a) of Section 262, Section 264.1, 269, 286, subdivision (a) or (b) of Section 288, 288a, 288.5, or subdivision (a) of Section 289 of the Penal Code, or sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code any felony violation of Section 207, 209, or 220 of the Penal Code, committed with the intent to commit a violation of Section 261, 262, 264.1, 286, 288, 288a, or 289 of the Penal Code.

(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.

(d) "Danger to the health and safety of others" does not require proof of a recent overt act while the offender is in custody.

(e) "Predatory" means an act is directed toward a stranger, a person of casual acquaintance with whom no substantial relationship exists, or an individual with whom a relationship has been established or promoted for the primary purpose of victimization.

(f) "Recent overt act" means any criminal act that manifests a likelihood that the actor may engage in sexually violent predatory criminal behavior.

(g) Notwithstanding any other provision of law and for purposes of this section, no more than one a prior juvenile adjudication of a sexually violent offense may constitute a prior conviction for which the person received a determinate term if all of the following applies apply:

(1) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(2) The prior offense is a sexually violent offense as specified in subdivision (b). Notwithstanding Section 6600.1, only an offense described in subdivision (b) shall constitute a sexually violent offense for purposes of this subdivision.

(3) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 because of the person's commission of the offense giving rise to the juvenile court adjudication.

(4) The juvenile was committed to the Department of the Youth Authority for the sexually violent offense.

(h) A minor adjudged a ward of the court for commission of an offense that is defined as a sexually violent offense shall be entitled to specific treatment as a sexual offender. The failure of a minor to receive that treatment shall not constitute a defense or bar to a determination that any person is a sexually violent predator within the meaning of this article.

SEC. 25. Section 6600.1 of the Welfare and Institutions Code is amended to read:

6600.1. (a) If the victim of an underlying offense that is specified in subdivision (b) of Section 6600 is a child under the age of 14 and the offending act or acts involved substantial sexual conduct, the offense shall constitute a "sexually violent offense" for purposes of Section 6600.

(b) "Substantial sexual conduct" means penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object, oral copulation, or masturbation of either the victim or the offender.

SEC. 26. Section 6601 of the Welfare and Institutions Code is

amended to read:

6601. (a)(1) Whenever the Director of Corrections determines that an individual who is in custody under the jurisdiction of the Department of Corrections, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the director shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation in accordance with this section. However, if the inmate was received by the department with less than nine months of his or her sentence to serve, or if the inmate's release date is modified by judicial or administrative action, the director may refer the person for evaluation in accordance with this section at a date that is less than six months prior to the inmate's scheduled release date.

(2) A petition may be filed under this section if the individual was in custody pursuant to his or her determinate prison term, parole revocation term, or a hold placed pursuant to Section 6601.3, at the time the petition is filed. A petition shall not be dismissed on the basis of a later judicial or administrative determination that the individual's custody was unlawful, if the unlawful custody was the result of a good faith mistake of fact or law. This paragraph shall apply to any petition filed on or after January 1, 1996.

(b) The person shall be screened by the Department of Corrections and the Board of Prison Terms based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol, developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of Mental Health shall forward a request for a petition for commitment under Section 6602 to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment.

(e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g).

(f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information.

(g) Any independent professional who is designated by the Director of Corrections or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders, and

shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.

(i) If the county's designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.

(j) The time limits set forth in this section shall not apply during the first year that this article is operative.

(k) If the person is otherwise subject to parole, a finding or placement made pursuant to this article shall not toll, discharge, or otherwise affect the term of parole pursuant to Article 1 (commencing with Section 3000) of Chapter 8 of Title 1 of Part 3 of the Penal Code.

(l) Pursuant to subdivision (d), the attorney designated by the county pursuant to subdivision (i) shall notify the State Department of Mental Health of its decision regarding the filing of a petition for commitment within 15 days of making that decision.

SEC. 27. Section 6604 of the Welfare and Institutions Code is amended to read:

6604. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole, whichever is applicable. If the court or jury determines that the person is a sexually violent predator, the person shall be committed for ~~two years an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health; and the person shall not be kept in actual custody longer than two years unless a subsequent extended commitment is obtained from the court incident to the filing of a petition for extended commitment under this article or unless the term of commitment changes pursuant to subdivision (e) of Section 6605. Time spent on conditional release shall not count toward the two-year term of commitment, unless the person is placed in a locked facility by the conditional release program, in which case the time in a locked facility shall count toward the two-year term of commitment.~~ The facility shall be located on the grounds of an institution under the jurisdiction of the Department of Corrections.

SEC. 28. Section 6604.1 of the Welfare and Institutions Code is amended to read:

6604.1. (a) The ~~two-year indeterminate~~ term of commitment provided for in Section 6604 shall commence on the date upon which the court issues the initial order of commitment pursuant to that section. ~~The initial two-year term shall not be reduced by any time spent in a secure facility prior to the order of commitment. For any subsequent extended commitments, the term of commitment shall be for two years commencing from the date of the termination of the previous commitment.~~

(b) The person shall be evaluated by two practicing psychologists or psychiatrists, or by one practicing psychologist and one practicing psychiatrist, designated by the State Department of Mental Health. The provisions of subdivisions (c) to (i), inclusive, of Section 6601 shall apply to evaluations performed for purposes of extended commitments. The rights, requirements, and procedures set forth in Section 6603 shall apply to ~~extended~~ all commitment proceedings.

SEC. 29. Section 6605 of the Welfare and Institutions Code is

amended to read:

6605. (a) A person found to be a sexually violent predator and committed to the custody of the State Department of Mental Health shall have a current examination of his or her mental condition made at least once every year. *The annual report shall include consideration of whether the committed person currently meets the definition of a sexually violent predator and whether conditional release to a less restrictive alternative or an unconditional release is in the best interest of the person and conditions can be imposed that would adequately protect the community. The Department of Mental Health shall file this periodic report with the court that committed the person under this article. The report shall be in the form of a declaration and shall be prepared by a professionally qualified person. A copy of the report shall be served on the prosecuting agency involved in the initial commitment and upon the committed person.* The person may retain, or if he or she is indigent and so requests, the court may appoint, a qualified expert or professional person to examine him or her, and the expert or professional person shall have access to all records concerning the person.

~~(b) The director shall provide the committed person with an annual written notice of his or her right to petition the court for conditional release under Section 6608. The notice shall contain a waiver of rights. The director shall forward the notice and waiver form to the court with the annual report. If the person does not affirmatively waive his or her right to petition the court for conditional release, the court shall set a show cause hearing to determine whether facts exist that warrant a hearing on whether the person's condition has so changed that he or she would not be a danger to the health and safety of others if discharged. The committed person shall have the right to be present and to have an attorney represent him or her at the show cause hearing. If the Department of Mental Health determines that either: (1) the person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (2) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the director shall authorize the person to petition the court for conditional release to a less restrictive alternative or for an unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall order a show cause hearing at which the court can consider the petition and any accompanying documentation provided by the medical director, the prosecuting attorney or the committed person.~~

(c) If the court at the show cause hearing determines that probable cause exists to believe that the committed person's diagnosed mental disorder has so changed that he or she is not a danger to the health and safety of others and is not likely to engage in sexually violent criminal behavior if discharged, then the court shall set a hearing on the issue.

(d) At the hearing, the committed person shall have the right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding. The attorney designated by the county pursuant to subdivision (i) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person also shall have the right to demand a jury trial and to have experts evaluate him or her on his or her behalf. The court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be on the state to prove beyond a reasonable doubt that the committed person's diagnosed mental disorder remains such that he or she is a danger to the health and safety of others and is likely to engage in sexually violent criminal behavior if discharged.

(e) If the court or jury rules against the committed person at the hearing conducted pursuant to subdivision (d), the term of commitment of the person shall run for ~~a an indeterminate period of two years~~ from the date of this ruling. If the court or jury rules for the committed person, he or she shall be unconditionally released and unconditionally discharged.

(f) In the event that the State Department of Mental Health has reason to believe that a person committed to it as a sexually violent predator is no longer a sexually violent predator, it shall seek judicial review of the person's commitment pursuant to the procedures set forth in Section 7250 in the superior court from which the commitment was made. If the superior court determines that the person is no longer a sexually violent predator, he



or she shall be unconditionally released and unconditionally discharged.

SEC. 30. Section 6608 of the Welfare and Institutions Code is amended to read:

6608. (a) Nothing in this article shall prohibit the person who has been committed as a sexually violent predator from petitioning the court for conditional release ~~and subsequent~~ or an unconditional discharge without the recommendation or concurrence of the Director of Mental Health. If a person has previously filed a petition for conditional release without the concurrence of the director and the court determined, either upon review of the petition or following a hearing, that the petition was frivolous or that the committed person's condition had not so changed that he or she would not be a danger to others in that it is not likely that he or she will engage in sexually violent criminal behavior if placed under supervision and treatment in the community, then the court shall deny the subsequent petition unless it contains facts upon which a court could find that the condition of the committed person had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the concurrence of the director, the court shall endeavor whenever possible to review the petition and determine if it is based upon frivolous grounds and, if so, shall deny the petition without a hearing. The person petitioning for conditional release and unconditional discharge under this subdivision shall be entitled to assistance of counsel.

(b) The court shall give notice of the hearing date to the attorney designated in subdivision (i) of Section 6601, the retained or appointed attorney for the committed person, and the Director of Mental Health at least 15 court days before the hearing date.

(c) No hearing upon the petition shall be held until the person who is committed has been under commitment for confinement and care in a facility designated by the Director of Mental Health for not less than one year from the date of the order of commitment.

(d) The court shall hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community. If the court at the hearing determines that the committed person would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court shall order the committed person placed with an appropriate forensic conditional release program operated by the state for one year. A substantial portion of the state-operated forensic conditional release program shall include outpatient supervision and treatment. The court shall retain jurisdiction of the person throughout the course of the program. At the end of one year, the court shall hold a hearing to determine if the person should be unconditionally released from commitment on the basis that, by reason of a diagnosed mental disorder, he or she is not a danger to the health and safety of others in that it is not likely that he or she will engage in sexually violent criminal behavior. The court shall not make this determination until the person has completed at least one year in the state-operated forensic conditional release program. The court shall notify the Director of Mental Health of the hearing date.

(e) Before placing a committed person in a state-operated forensic conditional release program, the community program director designated by the State Department of Mental Health shall submit a written recommendation to the court stating which forensic conditional release program is most appropriate for supervising and treating the committed person. If the court does not accept the community program director's recommendation, the court shall specify the reason or reasons for its order on the record. The procedures described in Sections 1605 to 1610, inclusive, of the Penal Code shall apply to the person placed in the forensic conditional release program.

(f) If the court determines that the person should be transferred to a state-operated forensic conditional release program, the community program director, or his or her designee, shall make the necessary placement arrangements and, within 21 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court.

(g) If the court rules against the committed person at the trial for unconditional release from commitment, the court may place the committed person on outpatient status in accordance with the procedures described in Title 15 (commencing with Section 1600) of Part 2 of the Penal Code.

(h) If the court denies the petition to place the person in an appropriate forensic conditional release program or if the petition for unconditional discharge is denied, the person may not file a new application until one year has elapsed from the date of the denial.

(i) In any hearing authorized by this section, the petitioner shall have the burden of proof by a preponderance of the evidence.

(j) If the petition for conditional release is not made by the director of the treatment facility to which the person is committed, no action on the petition shall be taken by the court without first obtaining the written recommendation of the director of the treatment facility.

(k) Time spent in a conditional release program pursuant to this section shall not count toward the term of commitment under this article unless the person is confined in a locked facility by the conditional release program, in which case the time spent in a locked facility shall count toward the term of commitment.

SEC. 31. Intent Clause

It is the intent of the People of the State of California in enacting this measure to strengthen and improve the laws that punish and control sexual offenders. It is also the intent of the People of the State of California that if any provision in this act conflicts with any other provision of law that provides for a greater penalty or longer period of imprisonment the latter provision shall apply.

SEC. 32. Severability Clause

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SEC. 33. Amendment Clause

The provisions of this act shall not be amended by the Legislature except by a statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters. However, the Legislature may amend the provisions of this act to expand the scope of their application or to increase the punishments or penalties provided herein by a statute passed by majority vote of each house thereof.

PROPOSITION 84

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Division 43 is added to the Public Resources Code, to read:

DIVISION 43. THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

CHAPTER I. GENERAL PROVISIONS

75001. This Division shall be known and may be cited as the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

75002. The people of California find and declare that protecting the state's drinking water and water resources is vital to the public health, the state's economy, and the environment.

75002.5. The people of California further find and declare that the state's waters are vulnerable to contamination by dangerous bacteria, polluted runoff, toxic chemicals, damage from catastrophic floods and the demands of a growing population. Therefore, actions must be taken to ensure safe drinking water and a reliable supply of water for farms, cities and businesses, as well as to protect California's rivers, lakes, streams, beaches, bays and coastal waters, for this and future generations.

75003. The people of California further find and declare that it is

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bill or other legislation. The State Department of Mental Health shall be responsible for operation of the facility, including the provision of treatment.

6600.1. If the victim of an underlying offense that is specified in subdivision (b) of Section 6600 is a child under the age of 14, the offense shall constitute a "sexually violent offense" for purposes of Section 6600.

6601. (a) (1) Whenever the Secretary of the Department of Corrections and Rehabilitation determines that an individual who is in custody under the jurisdiction of the Department of Corrections and Rehabilitation, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the secretary shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation in accordance with this section. However, if the inmate was received by the department with less than nine months of his or her sentence to serve, or if the inmate's release date is modified by judicial or administrative action, the secretary may refer the person for evaluation in accordance with this section at a date that is less than six months prior to the inmate's scheduled release date.

(2) A petition may be filed under this section if the individual was in custody pursuant to his or her determinate prison term, parole revocation term, or a hold placed pursuant to Section 6601.3, at the time the petition is filed. A petition shall not be dismissed on the basis of a later judicial or administrative determination that the individual's custody was unlawful, if the unlawful custody was the result of a good faith mistake of fact or law. This paragraph shall apply to any petition filed on or after January 1, 1996.

(b) The person shall be screened by the Department of Corrections and Rehabilitation and the Board of Parole Hearings based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections and Rehabilitation. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections and Rehabilitation shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol, developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health, one or both of whom may be independent professionals as defined in subdivision (g). If both evaluators

concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of Mental Health shall forward a request for a petition for commitment under Section 6602 to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment.

(e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g).

(f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information.

(g) Any independent professional who is designated by the Secretary of the Department of Corrections and Rehabilitation or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders, and shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.

(i) If the county's designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections and Rehabilitation. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.

(j) The time limits set forth in this section shall not apply during the first year that this article is operative.

(k) An order issued by a judge pursuant to Section 6601.5, finding that the petition, on its face, supports a finding of probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or

her release, shall toll that person's parole pursuant to paragraph (4) of subdivision (a) of Section 3000 of the Penal Code, if that individual is determined to be a sexually violent predator.

(1) Pursuant to subdivision (d), the attorney designated by the county pursuant to subdivision (i) shall notify the State Department of Mental Health of its decision regarding the filing of a petition for commitment within 15 days of making that decision.

(m) (1) The department shall provide the fiscal and policy committees of the Legislature, including the Chairperson of the Joint Legislative Budget Committee, and the Department of Finance, with a semiannual update on the progress made to hire qualified state employees to conduct the evaluation required pursuant to subdivision (d). The first update shall be provided no later than July 10, 2009.

(2) On or before January 2, 2010, the department shall report to the Legislature on all of the following:

(A) The costs to the department for the sexual offender commitment program attributable to the provisions in Proposition 83 of the November 2006 general election, otherwise known as Jessica's Law.

(B) The number and proportion of inmates evaluated by the department for commitment to the program as a result of the expanded evaluation and commitment criteria in Jessica's Law.

(C) The number and proportion of those inmates who have actually been committed for treatment in the program.

(3) This section shall remain in effect and be repealed on the date that the director executes a declaration, which shall be provided to the fiscal and policy committees of the Legislature, including the Chairperson of the Joint Legislative Budget Committee, and the Department of Finance, specifying that sufficient qualified state employees have been hired to conduct the evaluations required pursuant to subdivision (d), or January 1, 2013, whichever occurs first.

6601. (a) (1) Whenever the Secretary of the Department of Corrections and Rehabilitation determines that an individual who is in custody under the jurisdiction of the Department of Corrections and Rehabilitation, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator, the secretary shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation in accordance with this section. However, if the inmate was received by the department with less than nine months of his or her sentence to serve, or if the inmate's release date is modified by judicial or administrative action, the secretary may refer the person for evaluation in accordance with this section at a date that is less than six months prior to the inmate's scheduled release date.

(2) A petition may be filed under this section if the individual was in custody pursuant to his or her determinate prison term, parole revocation term, or a hold placed pursuant to Section 6601.3, at the time the petition is filed. A petition shall not be dismissed on the basis of a later judicial or administrative determination that the individual's custody was unlawful, if the unlawful custody was the result of a good faith mistake of fact or law. This paragraph shall apply to any petition filed on or after January 1, 1996.

(b) The person shall be screened by the Department of Corrections and Rehabilitation and the Board of Parole Hearings based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history.

This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections and Rehabilitation. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections and Rehabilitation shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol, developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of diagnosable mental disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of mental disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of Mental Health. If both evaluators concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without appropriate treatment and custody, the Director of Mental Health shall forward a request for a petition for commitment under Section 6602 to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment.

(e) If one of the professionals performing the evaluation pursuant to subdivision (d) does not concur that the person meets the criteria specified in subdivision (d), but the other professional concludes that the person meets those criteria, the Director of Mental Health shall arrange for further examination of the person by two independent professionals selected in accordance with subdivision (g).

(f) If an examination by independent professionals pursuant to subdivision (e) is conducted, a petition to request commitment under this article shall only be filed if both independent professionals who evaluate the person pursuant to subdivision (e) concur that the person meets the criteria for commitment specified in subdivision (d). The professionals selected to evaluate the person pursuant to subdivision (g) shall inform the person that the purpose of their examination is not treatment but to determine if the person meets certain criteria to be involuntarily committed pursuant to this article. It is not required that the person appreciate or understand that information.

(g) Any independent professional who is designated by the Secretary of the Department of Corrections and Rehabilitation or the Director of Mental Health for purposes of this section shall not be a state government employee, shall have at least five years of experience in the diagnosis and treatment of mental disorders, and shall include psychiatrists and licensed psychologists who have a doctoral degree in psychology. The requirements set forth in this section also shall apply to any professionals appointed by the court to evaluate the person for purposes of any other proceedings under this article.

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the

Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.

(i) If the county's designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections and Rehabilitation. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.

(j) The time limits set forth in this section shall not apply during the first year that this article is operative.

(k) An order issued by a judge pursuant to Section 6601.5, finding that the petition, on its face, supports a finding of probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release, shall toll that person's parole pursuant to paragraph (4) of subdivision (a) of Section 3000 of the Penal Code, if that individual is determined to be a sexually violent predator.

(l) Pursuant to subdivision (d), the attorney designated by the county pursuant to subdivision (i) shall notify the State Department of Mental Health of its decision regarding the filing of a petition for commitment within 15 days of making that decision.

(m) This section shall become operative on the date that the director executes a declaration, which shall be provided to the fiscal and policy committees of the Legislature, including the Chairperson of the Joint Legislative Budget Committee, and the Department of Finance, specifying that sufficient qualified state employees have been hired to conduct the evaluations required pursuant to subdivision (d), or January 1, 2013, whichever occurs first.

6601.3. (a) Upon a showing of good cause, the Board of Prison Terms may order that a person referred to the State Department of Mental Health pursuant to subdivision (b) of Section 6601 remain in custody for no more than 45 days beyond the person's scheduled release date for full evaluation pursuant to subdivisions (c) to (i), inclusive, of Section 6601.

(b) For purposes of this section, good cause means circumstances where there is a recalculation of credits or a restoration of denied or lost credits, a resentencing by a court, the receipt of the prisoner into custody, or equivalent exigent circumstances which result in there being less than 45 days prior to the person's scheduled release date for the full evaluation described in subdivisions (c) to (i), inclusive, of Section 6601.

6601.5. Upon filing of the petition and a request for review under this section, a judge of the superior court shall review the petition and determine whether the petition states or contains sufficient facts that, if true, would constitute probable cause to believe that the individual named in the petition is likely to engage in sexually

violent predatory criminal behavior upon his or her release. If the judge determines that the petition, on its face, supports a finding of probable cause, the judge shall order that the person be detained in a secure facility until a hearing can be completed pursuant to Section 6602. The probable cause hearing provided for in Section 6602 shall commence within 10 calendar days of the date of the order issued by the judge pursuant to this section.

6602. (a) A judge of the superior court shall review the petition and shall determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. The person named in the petition shall be entitled to assistance of counsel at the probable cause hearing. Upon the commencement of the probable cause hearing, the person shall remain in custody pending the completion of the probable cause hearing. If the judge determines there is not probable cause, he or she shall dismiss the petition and any person subject to parole shall report to parole. If the judge determines that there is probable cause, the judge shall order that the person remain in custody in a secure facility until a trial is completed and shall order that a trial be conducted to determine whether the person is, by reason of a diagnosed mental disorder, a danger to the health and safety of others in that the person is likely to engage in acts of sexual violence upon his or her release from the jurisdiction of the Department of Corrections or other secure facility.

(b) The probable cause hearing shall not be continued except upon a showing of good cause by the party requesting the continuance.

(c) The court shall notify the State Department of Mental Health of the outcome of the probable cause hearing by forwarding to the department a copy of the minute order of the court within 15 days of the decision.

6602.5. (a) No person may be placed in a state hospital pursuant to the provisions of this article until there has been a determination pursuant to Section 6601.3 or 6602 that there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior.

(b) The State Department of Mental Health shall identify each person for whom a petition pursuant to this article has been filed who is in a state hospital on or after January 1, 1998, and who has not had a probable cause hearing pursuant to Section 6602. The State Department of Mental Health shall notify the court in which the petition was filed that the person has not had a probable cause hearing. Copies of the notice shall be provided by the court to the attorneys of record in the case. Within 30 days of notice by the State Department of Mental Health, the court shall either order the person removed from the state hospital and returned to local custody or hold a probable cause hearing pursuant to Section 6602.

(c) In no event shall the number of persons referred pursuant to subdivision (b) to the superior court of any county exceed 10 in any 30-day period, except upon agreement of the presiding judge of the superior court, the district attorney, the public defender, the sheriff, and the Director of Mental Health.

(d) This section shall be implemented in Los Angeles County pursuant to a letter of agreement between the Department of Mental Health, the Los Angeles County district attorney, the Los Angeles

County public defender, the Los Angeles County sheriff, and the Los Angeles County superior court. The number of persons referred to the superior court of Los Angeles County pursuant to subdivision (b) shall be governed by the letter of agreement.

6603. (a) A person subject to this article shall be entitled to a trial by jury, to the assistance of counsel, to the right to retain experts or professional persons to perform an examination on his or her behalf, and to have access to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall appoint counsel to assist him or her, and, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf. Any right that may exist under this section to request DNA testing on prior cases shall be made in conformity with Section 1405 of the Penal Code.

(b) The attorney petitioning for commitment under this article shall have the right to demand that the trial be before a jury.

(c) (1) If the attorney petitioning for commitment under this article determines that updated evaluations are necessary in order to properly present the case for commitment, the attorney may request the State Department of Mental Health to perform updated evaluations. If one or more of the original evaluators is no longer available to testify for the petitioner in court proceedings, the attorney petitioning for commitment under this article may request the State Department of Mental Health to perform replacement evaluations. When a request is made for updated or replacement evaluations, the State Department of Mental Health shall perform the requested evaluations and forward them to the petitioning attorney and to the counsel for the person subject to this article. However, updated or replacement evaluations shall not be performed except as necessary to update one or more of the original evaluations or to replace the evaluation of an evaluator who is no longer available to testify for the petitioner in court proceedings. These updated or replacement evaluations shall include review of available medical and psychological records, including treatment records, consultation with current treating clinicians, and interviews of the person being evaluated, either voluntarily or by court order. If an updated or replacement evaluation results in a split opinion as to whether the person subject to this article meets the criteria for commitment, the State Department of Mental Health shall conduct two additional evaluations in accordance with subdivision (f) of Section 6601.

(2) For purposes of this subdivision, "no longer available to testify for the petitioner in court proceedings" means that the evaluator is no longer authorized by the Director of Mental Health to perform evaluations regarding sexually violent predators as a result of any of the following:

(A) The evaluator has failed to adhere to the protocol of the State Department of Mental Health.

(B) The evaluator's license has been suspended or revoked.

(C) The evaluator is unavailable pursuant to Section 240 of the Evidence Code.

(d) Nothing in this section shall prevent the defense from presenting otherwise relevant and admissible evidence.

(e) If the person subject to this article or the petitioning attorney does not demand a jury trial, the trial shall be before the court without a jury.

(f) A unanimous verdict shall be required in any jury trial.

(g) The court shall notify the State Department of Mental Health of the outcome of the trial by forwarding to the department a copy of the minute order of the court within 72 hours of the decision.

(h) Nothing in this section shall limit any legal or equitable right that a person may have to request DNA testing.

6603.3. (a) (1) Except as provided in paragraph (2), no attorney may disclose or permit to be disclosed to a person subject to this article, family members of the person subject to this article, or any other person, the name, address, telephone number, or other identifying information of a victim or witness whose name is disclosed to the attorney pursuant to Section 6603 and Chapter 1 (commencing with Section 2016.010) of Part 4 of Title 4 of the Code of Civil Procedure, unless specifically permitted to do so by the court after a hearing and showing of good cause.

(2) Notwithstanding paragraph (1), an attorney may disclose or permit to be disclosed, the name, address, telephone number, or other identifying information of a victim or witness to persons employed by the attorney or to a person hired or appointed for the purpose of assisting the person subject to this article in the preparation of the case, if that disclosure is required for that preparation. Persons provided this information shall be informed by the attorney that further dissemination of the information, except as provided by this section, is prohibited.

(3) A willful violation of this subdivision by an attorney, persons employed by an attorney, or persons appointed by the court is a misdemeanor.

(b) If the person subject to this article is acting as his or her own attorney, the court shall endeavor to protect the name, address, telephone number, or other identifying information of a victim or witness by providing for contact only through a private investigator licensed by the Department of Consumer Affairs and appointed by the court or by imposing other reasonable restrictions, absent a showing of good cause as determined by the court.

6603.5. No employee or agent of the Department of Corrections and Rehabilitation, the Board of Parole Hearings, or the State Department of Mental Health shall disclose to any person, except to employees or agents of each named department, the prosecutor, the respondent's counsel, licensed private investigators hired or appointed for the respondent, or other persons or agencies where authorized or required by law, the name, address, telephone number, or other identifying information of a person who was involved in a civil commitment hearing under this article as the victim of a sex offense except where authorized or required by law.

6603.7. (a) Except as provided in Section 6603.3, the court, at the request of the victim of a sex offense relevant in a proceeding under this article, may order the identity of the victim in all records and during all proceedings to be either Jane Doe or John Doe, if the court finds that the order is reasonably necessary to protect the privacy of the person and will not unduly prejudice the party petitioning for commitment under this article or the person subject to this article.

(b) If the court orders the victim to be identified as Jane Doe or John Doe pursuant to subdivision (a), and if there is a jury trial, the court shall instruct the jury at the beginning and at the end of the trial that the victim is being so identified only for the purposes of protecting his or her privacy.

6604. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole, whichever is applicable. If the court or jury determines that the person is a sexually violent predator, the person shall be committed for an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health. The facility shall be located on the grounds of an institution under the jurisdiction of the Department of Corrections.

6604.1. (a) The indeterminate term of commitment provided for in Section 6604 shall commence on the date upon which the court issues the initial order of commitment pursuant to that section.

(b) The person shall be evaluated by two practicing psychologists or psychiatrists, or by one practicing psychologist and one practicing psychiatrist, designated by the State Department of Mental Health. The provisions of subdivisions (c) to (i), inclusive, of Section 6601 shall apply to evaluations performed for purposes of extended commitments. The rights, requirements, and procedures set forth in Section 6603 shall apply to all commitment proceedings.

6605. (a) A person found to be a sexually violent predator and committed to the custody of the State Department of Mental Health shall have a current examination of his or her mental condition made at least once every year. The annual report shall include consideration of whether the committed person currently meets the definition of a sexually violent predator and whether conditional release to a less restrictive alternative or an unconditional release is in the best interest of the person and conditions can be imposed that would adequately protect the community. The State Department of Mental Health shall file this periodic report with the court that committed the person under this article. The report shall be in the form of a declaration and shall be prepared by a professionally qualified person. A copy of the report shall be served on the prosecuting agency involved in the initial commitment and upon the committed person. The person may retain, or if he or she is indigent and so requests, the court may appoint, a qualified expert or professional person to examine him or her, and the expert or professional person shall have access to all records concerning the person.

(b) If the State Department of Mental Health determines that either: (1) the person's condition has so changed that the person no longer meets the definition of a sexually violent predator, or (2) conditional release to a less restrictive alternative is in the best

interest of the person and conditions can be imposed that adequately protect the community, the director shall authorize the person to petition the court for conditional release to a less restrictive alternative or for an unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall order a show cause hearing at which the court can consider the petition and any accompanying documentation provided by the medical director, the prosecuting attorney, or the committed person.

(c) If the court at the show cause hearing determines that probable cause exists to believe that the committed person's diagnosed mental disorder has so changed that he or she is not a danger to the health and safety of others and is not likely to engage in sexually violent criminal behavior if discharged, then the court shall set a hearing on the issue.

(d) At the hearing, the committed person shall have the right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding. The attorney designated by the county pursuant to subdivision (i) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person also shall have the right to demand a jury trial and to have experts evaluate him or her on his or her behalf. The court shall appoint an expert if the person is indigent and requests an appointment. The burden of proof at the hearing shall be on the state to prove beyond a reasonable doubt that the committed person's diagnosed mental disorder remains such that he or she is a danger to the health and safety of others and is likely to engage in sexually violent criminal behavior if discharged. Where the person's failure to participate in or complete treatment is relied upon as proof that the person's condition has not changed, and there is evidence to support that reliance, the jury shall be instructed substantially as follows:

"The committed person's failure to participate in or complete the State Department of Mental Health Sex Offender Commitment Program (SOCP) are facts that, if proved, may be considered as evidence that the committed person's condition has not changed. The weight to be given that evidence is a matter for the jury to determine."

(e) If the court or jury rules against the committed person at the hearing conducted pursuant to subdivision (d), the term of commitment of the person shall run for an indeterminate period from the date of this ruling. If the court or jury rules for the committed person, he or she shall be unconditionally released and unconditionally discharged.

(f) In the event that the State Department of Mental Health has reason to believe that a person committed to it as a sexually violent predator is no longer a sexually violent predator, it shall seek judicial review of the person's commitment pursuant to the procedures set forth in Section 7250 in the superior court from which the commitment was made. If the superior court determines that the person is no longer a sexually violent predator, he or she shall be unconditionally released and unconditionally discharged.

6606. (a) A person who is committed under this article shall be provided with programming by the State Department of Mental Health

which shall afford the person with treatment for his or her diagnosed mental disorder. Persons who decline treatment shall be offered the opportunity to participate in treatment on at least a monthly basis.

(b) Amenability to treatment is not required for a finding that any person is a person described in Section 6600, nor is it required for treatment of that person. Treatment does not mean that the treatment be successful or potentially successful, nor does it mean that the person must recognize his or her problem and willingly participate in the treatment program.

(c) The programming provided by the State Department of Mental Health in facilities shall be consistent with current institutional standards for the treatment of sex offenders, and shall be based on a structured treatment protocol developed by the State Department of Mental Health. The protocol shall describe the number and types of treatment components that are provided in the program, and shall specify how assessment data will be used to determine the course of treatment for each individual offender. The protocol shall also specify measures that will be used to assess treatment progress and changes with respect to the individual's risk of reoffense.

(d) Notwithstanding any other provision of law, except as to requirements relating to fire and life safety of persons with mental illness, and consistent with information and standards described in subdivision (c), the department is authorized to provide the programming using an outpatient/day treatment model, wherein treatment is provided by licensed professional clinicians in living units not licensed as health facility beds within a secure facility setting, on less than a 24-hour a day basis. The department shall take into consideration the unique characteristics, individual needs, and choices of persons committed under this article, including whether or not a person needs antipsychotic medication, whether or not a person has physical medical conditions, and whether or not a person chooses to participate in a specified course of offender treatment. The department shall ensure that policies and procedures are in place that address changes in patient needs, as well as patient choices, and respond to treatment needs in a timely fashion. The department, in implementing this subdivision, shall be allowed by the State Department of Health Services to place health facility beds at Coalinga State Hospital in suspense for a period of up to six years. Coalinga State Hospital may remove all or any portion of its voluntarily suspended beds into active license status by request to the State Department of Health Services. The facility's request shall be granted unless the suspended beds fail to comply with current operational requirements for licensure.

(e) The department shall meet with each patient who has chosen not to participate in a specific course of offender treatment during monthly treatment planning conferences. At these conferences the department shall explain treatment options available to the patient, offer and re-offer treatment to the patient, seek to obtain the patient's cooperation in the recommended treatment options, and document these steps in the patient's health record. The fact that a patient has chosen not to participate in treatment in the past shall not establish that the patient continues to choose not to participate.

6607. (a) If the Director of Mental Health determines that the person's diagnosed mental disorder has so changed that the person is not likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director shall

forward a report and recommendation for conditional release in accordance with Section 6608 to the county attorney designated in subdivision (i) of Section 6601, the attorney of record for the person, and the committing court.

(b) When a report and recommendation for conditional release is filed by the Director of Mental Health pursuant to subdivision (a), the court shall set a hearing in accordance with the procedures set forth in Section 6608.

6608. (a) Nothing in this article shall prohibit the person who has been committed as a sexually violent predator from petitioning the court for conditional release or an unconditional discharge without the recommendation or concurrence of the Director of Mental Health. If a person has previously filed a petition for conditional release without the concurrence of the director and the court determined, either upon review of the petition or following a hearing, that the petition was frivolous or that the committed person's condition had not so changed that he or she would not be a danger to others in that it is not likely that he or she will engage in sexually violent criminal behavior if placed under supervision and treatment in the community, then the court shall deny the subsequent petition unless it contains facts upon which a court could find that the condition of the committed person had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a committed person without the concurrence of the director, the court shall endeavor whenever possible to review the petition and determine if it is based upon frivolous grounds and, if so, shall deny the petition without a hearing. The person petitioning for conditional release and unconditional discharge under this subdivision shall be entitled to assistance of counsel. The person petitioning for conditional release or unconditional discharge shall serve a copy of the petition on the State Department of Mental Health at the time the petition is filed with the court.

(b) The court shall give notice of the hearing date to the attorney designated in subdivision (i) of Section 6601, the retained or appointed attorney for the committed person, and the Director of Mental Health at least 30 court days before the hearing date.

(c) No hearing upon the petition shall be held until the person who is committed has been under commitment for confinement and care in a facility designated by the Director of Mental Health for not less than one year from the date of the order of commitment.

(d) The court shall hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community. If the court at the hearing determines that the committed person would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community, the court shall order the committed person placed with an appropriate forensic conditional release program operated by the state for one year. A substantial portion of the state-operated forensic conditional release program shall include outpatient supervision and treatment. The court shall retain jurisdiction of the person throughout the course of the program. At the end of one year, the court shall hold a hearing to determine if the person should be unconditionally released from commitment on the basis that, by reason of a diagnosed mental disorder, he or she is not a danger to the health and safety of others in that it is not likely that he or she will engage in

sexually violent criminal behavior. The court shall not make this determination until the person has completed at least one year in the state-operated forensic conditional release program. The court shall notify the Director of Mental Health of the hearing date.

(e) Before placing a committed person in a state-operated forensic conditional release program, the community program director designated by the State Department of Mental Health shall submit a written recommendation to the court stating which forensic conditional release program is most appropriate for supervising and treating the committed person. If the court does not accept the community program director's recommendation, the court shall specify the reason or reasons for its order on the record. The procedures described in Sections 1605 to 1610, inclusive, of the Penal Code shall apply to the person placed in the forensic conditional release program.

(f) If the court determines that the person should be transferred to a state-operated forensic conditional release program, the community program director, or his or her designee, shall make the necessary placement arrangements and, within 30 days after receiving notice of the court's finding, the person shall be placed in the community in accordance with the treatment and supervision plan unless good cause for not doing so is presented to the court.

(g) If the court rules against the committed person at the trial for unconditional release from commitment, the court may place the committed person on outpatient status in accordance with the procedures described in Title 15 (commencing with Section 1600) of Part 2 of the Penal Code.

(h) If the court denies the petition to place the person in an appropriate forensic conditional release program or if the petition for unconditional discharge is denied, the person may not file a new application until one year has elapsed from the date of the denial.

(i) In any hearing authorized by this section, the petitioner shall have the burden of proof by a preponderance of the evidence.

(j) If the petition for conditional release is not made by the director of the treatment facility to which the person is committed, no action on the petition shall be taken by the court without first obtaining the written recommendation of the director of the treatment facility.

(k) Time spent in a conditional release program pursuant to this section shall not count toward the term of commitment under this article unless the person is confined in a locked facility by the conditional release program, in which case the time spent in a locked facility shall count toward the term of commitment.

6608.5. (a) A person who is conditionally released pursuant to this article shall be placed in the county of the domicile of the person prior to the person's incarceration, unless the court finds that extraordinary circumstances require placement outside the county of domicile.

(b) (1) For the purposes of this section, "county of domicile" means the county where the person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent. For the purposes of determining the county of domicile, the court may consider information found on a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or information contained in an

arrest record, probation officer's report, trial transcript, or other court document. If no information can be identified or verified, the county of domicile of the individual shall be considered to be the county in which the person was arrested for the crime for which he or she was last incarcerated in the state prison or from which he or she was last returned from parole.

(2) In a case where the person committed a crime while being held for treatment in a state hospital, or while being confined in a state prison or local jail facility, the county wherein that facility was located shall not be considered the county of domicile unless the person resided in that county prior to being housed in the hospital, prison, or jail.

(c) For the purposes of this section, "extraordinary circumstances" means circumstances that would inordinately limit the department's ability to effect conditional release of the person in the county of domicile in accordance with Section 6608 or any other provision of this article, and the procedures described in Sections 1605 to 1610, inclusive, of the Penal Code.

(d) The county of domicile shall designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for persons committed as sexually violent predators who are about to be conditionally released under Section 6608. Upon notification by the department of a person's potential or expected conditional release under Section 6608, the county of domicile shall notify the department of the name of the designated agency or program, at least 60 days before the date of the potential or expected release.

(e) In recommending a specific placement for community outpatient treatment, the department or its designee shall consider all of the following:

(1) The concerns and proximity of the victim or the victim's next of kin.

(2) The age and profile of the victim or victims in the sexually violent offenses committed by the person subject to placement. For purposes of this subdivision, the "profile" of a victim includes, but is not limited to, gender, physical appearance, economic background, profession, and other social or personal characteristics.

(f) Notwithstanding any other provision of law, a person released under this section shall not be placed within one-quarter mile of any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, if either of the following conditions exist:

(1) The person has previously been convicted of a violation of Section 288.5 of, or subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 of, the Penal Code.

(2) The court finds that the person has a history of improper sexual conduct with children.

6608.7. The State Department of Mental Health may enter into an interagency agreement or contract with the Department of Corrections or with local law enforcement agencies for services related to supervision or monitoring of sexually violent predators who have been conditionally released into the community under the forensic conditional release program pursuant to this article.

6608.8. (a) For any person who is proposed for community outpatient

treatment under the forensic conditional release program, the department shall provide to the court a copy of the written contract entered into with any public or private person or entity responsible for monitoring and supervising the patient's outpatient placement and treatment program. This subdivision does not apply to subcontracts between the contractor and clinicians providing treatment and related services to the person.

(b) The terms and conditions of conditional release shall be drafted to include reasonable flexibility to achieve the aims of conditional release, and to protect the public and the conditionally released person.

(c) The court in its discretion may order the department to, notwithstanding Section 4514 or 5328, provide a copy of the written terms and conditions of conditional release to the sheriff or chief of police, or both, that have jurisdiction over the proposed or actual placement community.

(d) (1) Except in an emergency, the department or its designee shall not alter the terms and conditions of conditional release without the prior approval of the court.

(2) The department shall provide notice to the person committed under this article and the district attorney or designated county counsel of any proposed change in the terms and conditions of conditional release.

(3) The court on its own motion, or upon the motion of either party to the action, may set a hearing on the proposed change. The hearing shall be held as soon as is practicable.

(4) If a hearing on the proposed change is held, the court shall state its findings on the record. If the court approves a change in the terms and conditions of conditional release without a hearing, the court shall issue a written order.

(5) In the case of an emergency, the department or its designee may deviate from the terms and conditions of the conditional release if necessary to protect public safety or the safety of the person. If a hearing on the emergency is set by the court or requested by either party, the hearing shall be held as soon as practicable. The department, its designee, and the parties shall endeavor to resolve routine matters in a cooperative fashion without the need for a formal hearing.

(e) Notwithstanding any provision of this section, including, but not limited to, subdivision (d), matters concerning the residential placement, including any changes or proposed changes in the residence of the person, shall be considered and determined pursuant to Section 6609.1.

6609. Within 10 days of a request made by the chief of police of a city or the sheriff of a county, the State Department of Mental Health shall provide the following information concerning each person committed as a sexually violent predator who is receiving outpatient care in a conditional release program in that city or county: name, address, date of commitment, county from which committed, date of placement in the conditional release program, fingerprints, and a glossy photograph no smaller than 3 1/8 x 3 1/8 inches in size, or clear copies of the fingerprints and photograph.

6609.1. (a) (1) When the State Department of Mental Health makes a recommendation to the court for community outpatient treatment for



JOHN CHIANG
California State Controller

November 14, 2012

The Honorable Mark Leno, Chair
Senate Budget and Fiscal Review Committee
Joint Legislative Budget Committee
State Capitol, Room 5100
Sacramento, CA 95814

The Honorable Robert Blumenfield, Chair
Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

Re: State Mandated Program Cost Report (AB3000)
Chapter 179, Statutes of 2007, Government Code Section 17562(b)(1)

Dear Senator Leno and Assembly Member Blumenfield:

This report provides the information required pursuant to Government Code (GC) section 17562(b)(1). It summarizes mandate payments by fiscal year (FY) and reports the deficiencies and surpluses. This report consists of three parts, as follows:

1. FY 2012-13 State Mandated Program Appropriations and Payments (Schedules A and A1)
2. FY 2010-11 and Prior Years' State Mandated Program Claims Data, including Net Deficiencies and Surpluses (Schedules B through B4)
3. List of Incorrect Reduction Claims Filed with the Commission on State Mandates (Schedule C)

As reflected on Schedule B, as of September 30, 2012, the amount owed to local agencies, school and community college districts is \$5.6 billion:

Local Agencies	\$1.6 billion
School Districts	\$3.7 billion
Community College Districts	<u>\$0.3 billion</u>
Total	\$5.6 billion

Accrued interest as of June 30, 2012, at the Pooled Money Investment Account rates, due to local agencies, school and community college districts is estimated to be \$251.5 million (\$175

The Honorable Mark Leno
The Honorable Robert Blumenfield
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Page 2

million, \$67.9 million, and \$8.6 million, respectively). The accrued interest is not included in the enclosed report, nor in the \$5.6 billion amount identified on page one. Pursuant to GC section 17561.5, interest begins to accrue as of the 366th day after adoption of the statewide cost estimate for the initial claims. For subsequent claims, interest begins to accrue on August 16th following the filing deadline. The interest on unpaid claims will continue to accrue until the claims are fully paid.

Pending litigation listed below and incorrect reduction claims on mandates (Schedule C) may have a significant impact on accounts payable when decisions are rendered:

- Graduation Requirements
- Discharge of Storm Water Runoff
- Municipal Storm Water and Urban Runoff Discharges
- 2010-11 Budget Trailer Bills, Mandates Process for K-12 Schools, Redetermination Process

In addition to the State Mandated Program Cost Report, a disk containing an electronic version is enclosed. If you have any questions, you may contact Jay Lal at (916) 324-0256.

Sincerely,

(Original Signed By)

JOHN CHIANG
California State Controller

Enclosures

cc: Ms. Ana J. Matosantos, Department of Finance
Ms. Marianne O'Malley, Office of Legislative Analyst
Ms. Heather Halsey, Commission on State Mandates

**STATE MANDATED PROGRAM
COST REPORT**

(AB 3000)

As of September 30, 2012



Prepared by

**Division of Accounting and Reporting
Local Reimbursements Section**

Note: This report provides information on State Mandated Program costs for local agencies, school and community college districts pursuant to Government Code section 17562 (b)(1).

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Schedule A:
Summary of State Mandated Program
Appropriations and Payments
Made in Fiscal Year 2012-13

State Controller's Office
 Division of Accounting and Reporting
 Summary of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Account Number	Legal Reference	Fiscal Year of Claims Paid	Appropriations Reverted as of 6/30/2012	Appropriation Balances as of 07/01/2012	Add: Receipts and Recovered Amounts	Less: Mandated Program Payments (see Schedule A1)	Appropriation Balances as of 09/30/2012
LOCAL AGENCIES							
General Fund							
0001-8885-2012-295-11	Ch. 21,29/12	2010-11	\$ -	\$ 48,786,000	\$ 9,544,185	\$ 46,055,232	\$ 12,274,953
0001-8885-2011-295-11	Ch. 33/11	2009-10	\$ -	\$ 9,894,584	\$ 23,109	\$ 262,319	\$ 9,655,374
0001-8885-2010-295-11	Ch. 712/10		\$ -	\$ 30,466,522	\$ 572,230	\$ -	\$ 31,038,752
0001-8885-2009-295-11	Ch. 1/09		\$ 861,757	\$ -	\$ -	\$ -	\$ -
Total General Fund			\$ 861,757	\$ 89,147,106	\$ 10,139,524	\$ 46,317,551	\$ 52,969,079
Non - General Fund							
Department of Motor Vehicle							
0044-8885-2012-295-98-00-146-089	Ch. 21,29/12	2010-11	\$ -	\$ 2,501,000	\$ -	\$ 2,402,441	\$ 98,559
0044-8885-2011-295-98-00-146-089	Ch. 33/11		\$ -	\$ 1,091,819	\$ -	\$ -	\$ 1,091,819
0044-8885-2010-295-98-00-146-089	Ch. 712/10		\$ -	\$ 1,615,381	\$ -	\$ -	\$ 1,615,381
0044-8885-2009-295-98-00-146-089	Ch. 1/09		\$ 212,049	\$ -	\$ -	\$ -	\$ -
Subtotal			\$ 212,049	\$ 5,208,200	\$ -	\$ 2,402,441	\$ 2,805,759
Department of Pesticide Regulations							
0106-8885-2012-295-98-01-120-089	Ch. 21,29/12	2010-11	\$ -	\$ 35,000	\$ -	\$ 18,076	\$ 16,924
0106-8885-2011-295-98-01-120-089	Ch. 33/11		\$ -	\$ 49,975	\$ -	\$ -	\$ 49,975
0106-8885-2010-295-98-01-120-089	Ch. 712/10		\$ -	\$ 84,911	\$ -	\$ -	\$ 84,911
Subtotal			\$ -	\$ 169,886	\$ -	\$ 18,076	\$ 151,810
Total Non General Fund			\$ 212,049	\$ 5,378,086	\$ -	\$ 2,420,517	\$ 2,957,569
Total Local Agencies			\$ 1,073,806	\$ 94,525,192	\$ 10,139,524	\$ 48,738,068	\$ 55,926,648
SCHOOL DISTRICTS							
0001-6100-2012-295-98	Ch. 21,29/12	2010-11 and Prior	\$ -	\$ 36,000	\$ 13,000	\$ 35,000	\$ 14,000
0001-6100-2011-295-98	Ch. 33/11	2009-10 and Prior	\$ -	\$ 6,632,077	\$ 435,383	\$ 6,632,032	\$ 435,428
0001-6100-2010-295-98	Ch. 712/10		\$ -	\$ 7,630,942	\$ 22,311	\$ -	\$ 7,653,253
0001-6100-2009-295-98	Ch. 1/09		\$ 30,001	\$ -	\$ -	\$ -	\$ -
Total School Districts			\$ 30,001	\$ 14,299,019	\$ 470,694	\$ 6,667,032	\$ 8,102,681
COMMUNITY COLLEGE DISTRICTS							
0001-6870-2012-295-98	Ch. 21,29/12	2010-11 and Prior	\$ -	\$ 17,000	\$ 2,000	\$ 11,000	\$ 8,000
0001-6870-2011-295-98	Ch. 33/11	2009-10 and Prior	\$ -	\$ 4,699,767	\$ 1,876,691	\$ 4,693,502	\$ 1,882,956
0001-6870-2010-295-98	Ch. 712/10		\$ -	\$ 915,773	\$ 381,373	\$ -	\$ 1,297,146
0001-6870-2009-295-98	Ch. 1/09		\$ 3,000	\$ -	\$ -	\$ -	\$ -
Total Community College Districts			\$ 3,000	\$ 5,632,540	\$ 2,260,064	\$ 4,704,502	\$ 3,188,102
Total School and Community College Districts			\$ 33,001	\$ 19,931,559	\$ 2,730,758	\$ 11,371,534	\$ 11,290,783
Grand Total Local Agencies, School and Community College Districts			\$ 1,106,807	\$ 114,456,751	\$ 12,870,282	\$ 60,109,602	\$ 67,217,431

Schedule A1:
Details of State Mandated Program Payments
Made in Fiscal Year 2012-13 for Local Agencies,
School and Community College Districts

State Controller's Office
 Division of Accounting and Reporting
 Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
Local Agencies			
0001-8885-2012-295-11			
Fiscal Year 2010-11			
Allocation of Property Tax Revenues	Ch. 697/92	152	\$ 495,047
Child Abduction and Recovery	Ch. 1399/76	13	\$ 11,406,520
Countywide Tax Rates	Ch. 921/87	90	\$ 242,747
Crime Victim's Domestic Violence Incident Reports	Ch. 1022/99	262	\$ 167,000
Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 6,984,998
Domestic Violence Arrests and Victims Assistance	Ch. 698/98	274	\$ 1,368,714
Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 1,944,000
Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 1,695,000
Medi-Cal Beneficiary Probate	Ch. 102/81	43	\$ 9,436
Peace Officers Personnel Records: Unfounded Complaints and Discovery	Ch. 630/78	264	\$ 656,999
Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 327,684
Sexually Violent Predators	Ch. 762/95	175	\$ 20,754,301
Threats Against Peace Officers	Ch. 1249/92	163	\$ 2,786
Fiscal Year 2010-11 Total			\$ 46,055,232
0001-8885-2012-295-11 Total			\$ 46,055,232
0001-8885-2011-295-11			
Fiscal Year 2009-10			
Child Abduction and Recovery	Ch. 1399/76	13	\$ 1,882
Crime Victim's Domestic Violence Incident Reports	Ch. 1022/99	262	\$ 1,281
Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 129,767
Domestic Violence Arrests and Victims Assistance	Ch. 698/98	274	\$ 79,740
Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 24,073
Peace Officers Personnel Records: Unfounded Complaints and Discovery	Ch. 630/78	264	\$ 12,636
Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 12,940
Fiscal Year 2009-10 Total			\$ 262,319
0001-8885-2011-295-11 Total			\$ 262,319
0044-8885-2012-295			
Fiscal Year 2010-11			
Administrative License Suspension	Ch. 1460/89	246	\$ 2,402,441
Fiscal Year 2010-11 Total			\$ 2,402,441
0044-8885-2012-295 Total			\$ 2,402,441
0106-8885-2012-295			
Fiscal Year 2010-11			
Pesticide Use Reports	Ch. 1200/89	121	\$ 18,076
Fiscal Year 2010-11 Total			\$ 18,076
0106-8885-2012-295 Total			\$ 18,076
Local Agencies Total			\$ 48,738,068

State Controller's Office
 Division of Accounting and Reporting
 Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
School Districts			
0001-6100-2012-295			
Fiscal Year 2010-11			
Agency Fee Arrangements	Ch. 893/00	269	\$ 1,000
AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,000
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 1,000
Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 1,000
Charter Schools I, II, III	Ch. 781/92	278	\$ 1,000
Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75; Ch. 1213/91	11	\$ 1,000
Comprehensive School Safety Plans I and II	Ch. 736/97; Ch. 996/99	313	\$ 1,000
Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 36/77, et.al.	272	\$ 1,000
Consolidation of Law Enforcement Agency Notification and Missing Children Reports	Ch. 1117/89	276	\$ 1,000
Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 1,000
County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 1,000
Criminal Background Checks	Ch. 588/97	183	\$ 1,000
Criminal Background Checks II	Ch. 594/98	251	\$ 1,000
Differential Pay and Reemployment	Ch. 30/98	253	\$ 1,000
Financial and Compliance Audits	Ch. 36/77	192	\$ 1,000
Habitual Truant	Ch. 1184/75	166	\$ 1,000
High School Exit Examination	Ch. 1/99	268	\$ 1,000
Immunization Records	Ch. 1176/77	32	\$ 1,000
Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 1,000
Intradistrict Attendance	Ch. 161/93	153	\$ 1,000
Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,000
Mandate Reimbursement Process	Ch. 486/75	42	\$ 1,000
Notification of Truancy	Ch. 498/83	48	\$ 1,000
Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 1,000
Physical Performance Tests	Ch. 975/95	173	\$ 1,000
Prevailing Wage Rate	Ch. 1249/78	304	\$ 1,000
Pupil Health Screenings	Ch. 1208/76	261	\$ 1,000
Pupil Promotion and Retention	Ch. 100/91	244	\$ 1,000
Pupil Safety Notices	Ch. 498/83	280	\$ 1,000
Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 498/83, et al.	176	\$ 1,000
School Accountability Report Cards	Ch. 1463/89	171	\$ 1,000
School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 1,000
School District Reorganization	Ch. 1192/80	228	\$ 1,000
The Stull Act	Ch. 498/83	260	\$ 1,000
Fiscal Year 2010-11 Total			\$ 34,000
Fiscal Year 2007-08			
Absentee Ballots	Ch. 77/78	170	\$ 1,000
Fiscal Year 2007-08 Total			\$ 1,000
0001-6100-2012-295 Total			\$ 35,000

State Controller's Office
Division of Accounting and Reporting
Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
0001-6100-2011-295			
Fiscal Year 2009-10			
Comprehensive School Safety Plans I and II	Ch. 736/97; Ch. 996/99	313	\$ 19,282
Fiscal Year 2009-10 Total			\$ 19,282
Fiscal Year 2008-09			
Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 140,964
Fiscal Year 2008-09 Total			\$ 140,964
Fiscal Year 2007-08			
Charter Schools I, II, III	Ch. 781/92	278	\$ 32,978
Fiscal Year 2007-08 Total			\$ 32,978
Fiscal Year 2006-07			
Physical Performance Tests	Ch. 975/95	173	\$ 391,380
Fiscal Year 2006-07 Total			\$ 391,380
Fiscal Year 2005-06			
Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 36/77, et al.	272	\$ 1,042,210
Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 24,234
Notification of Truancy	Ch. 498/83	48	\$ 177,302
Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 208,924
AIDS Prevention Instruction II	Ch. 818/91	250	\$ 89,163
Pupil Health Screenings	Ch. 1208/76	261	\$ 60,588
Physical Performance Tests	Ch. 975/95	173	\$ 1,711,162
Juvenile Court Notices II	Ch. 1423/84	155	\$ 51,718
Immunization Records	Ch. 1176/77	32	\$ 703,800
Habitual Truant	Ch. 1184/75	166	\$ 10,039
Criminal Background Checks	Ch. 588/97	183	\$ 166,751
Financial and Compliance Audits	Ch. 36/77	192	\$ 57,181
School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 44,661
Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 869,616
Criminal Background Checks II	Ch. 594/98	251	\$ 5,374
Pupil Promotion and Retention	Ch. 100/91	244	\$ 14,664
Differential Pay and Reemployment	Ch. 30/98	253	\$ 968
Fiscal Year 2005-06 Total			\$ 5,238,355
Fiscal Year 2002-03			
Agency Fee Arrangements	Ch. 893/00	269	\$ 1,976
Fiscal Year 2002-03 Total			\$ 1,976
Fiscal Year 2001-02			
Notification of Truancy	Ch. 498/83	48	\$ 34,625
Agency Fee Arrangements	Ch. 893/00	269	\$ 8,200
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 31,669
Fiscal Year 2001-02 Total			\$ 74,494

State Controller's Office
 Division of Accounting and Reporting
 Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
Fiscal Year 2000-01			
Notification of Truancy	Ch. 498/83	48	\$ 10,223
Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75; Ch. 1213/91	11	\$ 137,065
Agency Fee Arrangements	Ch. 893/00	269	\$ 2,469
Fiscal Year 2000-01 Total			\$ 149,757
Fiscal Year 1999-00			
Notification of Truancy	Ch. 498/83	48	\$ 8,647
Intradistrict Attendance	Ch. 161/93	153	\$ 36,098
Fiscal Year 1999-00 Total			\$ 44,745
Fiscal Year 1997-98			
The Stull Act	Ch. 498/83	260	\$ 538,101
Fiscal Year 1997-98 Total			\$ 538,101
0001-6100-2011-295 Total			\$ 6,632,032
School Districts Total			\$ 6,667,032

State Controller's Office
 Division of Accounting and Reporting
 Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
Community College Districts			
0001-6870-2012-295			
Fiscal Year 2010-11			
Agency Fee Arrangements	Ch. 893/00	270	\$ 1,000
California Grants	Ch. 403/00	302	\$ 1,000
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 1,000
Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 1,000
Enrollment Fee Collection and Waivers	Title 5	267	\$ 1,000
Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 1,000
Mandate Reimbursement Process	Ch. 486/75	237	\$ 1,000
Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,000
Prevailing Wage Rate	Ch. 1249/78	303	\$ 1,000
Tuition Fee Waivers	Ch. 36/77	301	\$ 1,000
Fiscal Year 2010-11 Total			\$ 10,000
Fiscal Year 2008-09			
Reporting Improper Governmental Activities	Ch. 416/01	294	\$ 1,000
Fiscal Year 2008-09 Total			\$ 1,000
0001-6870-2012-295 Total			\$ 11,000
0001-6870-2011-295			
Fiscal Year 2009-10			
Tuition Fee Waivers	Ch. 36/77	301	\$ 13,000
Fiscal Year 2009-10 Total			\$ 13,000
Fiscal Year 2006-07			
Reporting Improper Governmental Activities	Ch. 416/01	294	\$ 11,708
Fiscal Year 2006-07 Total			\$ 11,708
Fiscal Year 2004-05			
Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 2,086,643
Fiscal Year 2004-05 Total			\$ 2,086,643
Fiscal Year 2003-04			
Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 1,225,152
Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 158,351
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 7,708
Fiscal Year 2003-04 Total			\$ 1,391,211
Fiscal Year 2002-03			
Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 10,203
Agency Fee Arrangements	Ch. 893/00	270	\$ 11,504
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 44,751
Fiscal Year 2002-03 Total			\$ 66,458

State Controller's Office
 Division of Accounting and Reporting
 Detail of State Mandated Programs Appropriations and Payments Made in Fiscal Year 2012-13
 As of September 30, 2012

Program Name	Legal Reference	Program Number	Total Payments
Fiscal Year 2001-02			
Agency Fee Arrangements	Ch. 893/00	270	\$ 29,244
California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 28,466
Fiscal Year 2001-02 Total			\$ 57,710
Fiscal Year 2000-01			
Agency Fee Arrangements	Ch. 893/00	270	\$ 6,999
Fiscal Year 2000-01 Total			\$ 6,999
Fiscal Year 1998-99			
Enrollment Fee Collection and Waivers	Title 5	267	\$ 1,059,773
Fiscal Year 1998-99 Total			\$ 1,059,773
0001-6870-2011-295 Total			\$ 4,693,502
Community College Districts Total			\$ 4,704,502
School and Community College Districts Total			\$ 11,371,534
Grand Total Local Agencies, School and Community College Districts			\$ 60,109,602

Schedule B:
Summary of State Mandated Programs for
Fiscal Year 2010-11 and Prior Years:
Claims Received/Adjusted,
Payments, Receivables,
Net Deficiencies and Surpluses

State Controller's Office
 Division of Accounting and Reporting
 State Mandated Programs for Fiscal Year 2010-11 and Prior Years
 Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
 As of September 30, 2012

	Fiscal Year	Schedules	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance ⁵
			Program Costs	Less: Net Payments ¹	A/P Balance ²	Established A/R ³	Less: Recovered Amount	A/R Balance ⁴	
GENERAL GOVERNMENT									
LOCAL AGENCIES									
Initial and Annual Claims	2010-11 and Prior	B1	\$ 1,294,248,596	\$ 427,684,313	\$ 866,564,283	\$ 97,168,039	\$ 67,908,815	\$ 29,259,224	\$ 837,305,059
Initial and Annual Claims (Proposition 1A) ⁶	2003-04 and Prior	B2	\$ 1,031,763,361	\$ 303,939,963	\$ 727,823,398	\$ 58,432,333	\$ 49,410,334	\$ 9,021,999	\$ 718,801,399
Total Local Agencies			\$ 2,326,011,957	\$ 731,624,276	\$ 1,594,387,681	\$ 155,600,372	\$ 117,319,149	\$ 38,281,223	\$ 1,556,106,458
EDUCATION									
SCHOOL DISTRICTS	2010-11 and Prior	B3	\$ 5,167,317,567	\$ 1,416,030,688	\$ 3,751,286,879	\$ 202,703,682	\$ 152,321,190	\$ 50,382,492	\$ 3,700,904,387
COMMUNITY COLLEGE DISTRICTS	2010-11 and Prior	B4	\$ 384,049,240	\$ 66,312,963	\$ 317,736,277	\$ 13,632,728	\$ 9,680,257	\$ 3,952,471	\$ 313,783,806
Total School and Community College Districts			\$ 5,551,366,807	\$ 1,482,343,651	\$ 4,069,023,156	\$ 216,336,410	\$ 162,001,447	\$ 54,334,963	\$ 4,014,688,193
Grand Total Local Agencies, School and Community College Districts			\$ 7,877,378,764	\$ 2,213,967,927	\$ 5,663,410,837	\$ 371,936,782	\$ 279,320,596	\$ 92,616,186	\$ 5,570,794,651

Footnotes:

- ¹ Total Payments less Overpayments equals Net Payments.
- ² Amount Due to Local Agencies, School and Community College Districts.
- ³ Total accounts receivable established due to desk review and field audit claim adjustments.
- ⁴ Amount Due from Local Agencies, School and Community College Districts.
- ⁵ Net Amount of Deficiencies and Surpluses. A/P Balance less A/R Balance equals Net Balance.
- ⁶ Claims filed for fiscal year 2003-04 and prior payable in 15-years must be paid by 2020-21 pursuant to Government Code section 17617.

Schedule B1: Local Agencies

State Controller's Office
Division of Accounting and Reporting
State Mandated Programs by Fiscal Year 2010-11 and Prior Years
Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2010-11	Absentee Ballots	Ch. 77/78	2	\$ 24,839,999	\$ -	\$ 24,839,999	\$ -	\$ -	\$ -	\$ 24,839,999
2010-11	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 35,138	\$ -	\$ 35,138	\$ -	\$ -	\$ -	\$ 35,138
2010-11	Administrative License Suspension	Ch.1460/89	246	\$ 2,407,825	\$ 2,402,441	\$ 5,384	\$ -	\$ -	\$ -	\$ 5,384
2010-11	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 16,181,454	\$ -	\$ 16,181,454	\$ -	\$ -	\$ -	\$ 16,181,454
2010-11	Crime Victim's Domestic Violence Incident Reports	Ch. 1022/99	262	\$ 167,693	\$ 167,000	\$ 693	\$ -	\$ -	\$ -	\$ 693
2010-11	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 57,816	\$ -	\$ 57,816	\$ -	\$ -	\$ -	\$ 57,816
2010-11	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 6,993,913	\$ 6,984,998	\$ 8,915	\$ -	\$ -	\$ -	\$ 8,915
2010-11	Domestic Violence Arrests and Victims Assistance	Ch. 698/98	274	\$ 1,497,023	\$ 1,368,714	\$ 128,309	\$ -	\$ -	\$ -	\$ 128,309
2010-11	Domestic Violence Background Checks	Ch. 713/01	322	\$ 2,208,200	\$ -	\$ 2,208,200	\$ -	\$ -	\$ -	\$ 2,208,200
2010-11	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 1,987,049	\$ 1,944,000	\$ 43,049	\$ -	\$ -	\$ -	\$ 43,049
2010-11	Handicapped and Disabled Students, Handicapped and Disabled Students II, and Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services	Ch. 1747/84	273	\$ 20,442,289	\$ -	\$ 20,442,289	\$ -	\$ -	\$ -	\$ 20,442,289
2010-11	Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 1,751,313	\$ 1,695,000	\$ 56,313	\$ -	\$ -	\$ -	\$ 56,313
2010-11	Identity Theft	Ch. 956/00	321	\$ 9,792,559	\$ -	\$ 9,792,559	\$ -	\$ -	\$ -	\$ 9,792,559
2010-11	In-Home Support Services II	Ch. 90/99	289	\$ 15,567	\$ -	\$ 15,567	\$ -	\$ -	\$ -	\$ 15,567
2010-11	Local Government Employee Relations	Ch. 901/00	298	\$ 1,157,287	\$ -	\$ 1,157,287	\$ -	\$ -	\$ -	\$ 1,157,287
2010-11	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 77,349	\$ -	\$ 77,349	\$ -	\$ -	\$ -	\$ 77,349
2010-11	Mandate Reimbursement Process	Ch. 486/75	41	\$ 1,415,047	\$ -	\$ 1,415,047	\$ -	\$ -	\$ -	\$ 1,415,047
2010-11	Modified Primary Election	Ch. 898/00	323	\$ 2,509	\$ -	\$ 2,509	\$ -	\$ -	\$ -	\$ 2,509
2010-11	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 2,774,562	\$ -	\$ 2,774,562	\$ -	\$ -	\$ -	\$ 2,774,562
2010-11	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 16,181,289	\$ -	\$ 16,181,289	\$ -	\$ -	\$ -	\$ 16,181,289
2010-11	Peace Officers Personnel Records: Unfounded Complaints and Discovery	Ch. 630/78	264	\$ 661,245	\$ 656,999	\$ 4,246	\$ -	\$ -	\$ -	\$ 4,246
2010-11	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 6,334,127	\$ -	\$ 6,334,127	\$ -	\$ -	\$ -	\$ 6,334,127
2010-11	Permanent Absent Voters II	Ch. 922/01	324	\$ 2,012,753	\$ -	\$ 2,012,753	\$ -	\$ -	\$ -	\$ 2,012,753
2010-11	Voter Registration Procedures	Ch. 704/75	56	\$ 1,275,498	\$ -	\$ 1,275,498	\$ -	\$ -	\$ -	\$ 1,275,498
2010-11 Total				\$ 120,269,504	\$ 15,219,152	\$ 105,050,352	\$ -	\$ -	\$ -	\$ 105,050,352
2009-10	Absentee Ballots	Ch. 77/78	2	\$ 24,710,823	\$ -	\$ 24,710,823	\$ -	\$ -	\$ -	\$ 24,710,823
2009-10	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 32,562	\$ -	\$ 32,562	\$ -	\$ -	\$ -	\$ 32,562
2009-10	Administrative License Suspension	Ch.1460/89	246	\$ 2,442,853	\$ 2,363,040	\$ 79,813	\$ 2,933	\$ -	\$ 2,933	\$ 76,880
2009-10	Airport Land Use Commission/Plans	Ch. 644/94	178	\$ 1,263,401	\$ -	\$ 1,263,401	\$ -	\$ -	\$ -	\$ 1,263,401
2009-10	Animal Adoption	Ch. 752/98	213	\$ 1,639,542	\$ -	\$ 1,639,542	\$ -	\$ -	\$ -	\$ 1,639,542
2009-10	Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67	\$ 12,927	\$ -	\$ 12,927	\$ -	\$ -	\$ -	\$ 12,927
2009-10	Coroner's Costs	Ch. 498/77	88	\$ 8,996	\$ -	\$ 8,996	\$ -	\$ -	\$ -	\$ 8,996
2009-10	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 16,504,011	\$ -	\$ 16,504,011	\$ -	\$ -	\$ -	\$ 16,504,011

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2009-10	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 297,792	\$ -	\$ 297,792	\$ -	\$ -	\$ -	\$ 297,792
2009-10	Crime Victims' Rights	Ch. 411/95	158	\$ 25,577	\$ -	\$ 25,577	\$ -	\$ -	\$ -	\$ 25,577
2009-10	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 37,798	\$ -	\$ 37,798	\$ -	\$ -	\$ -	\$ 37,798
2009-10	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 7,309,559	\$ 7,309,559	\$ -	\$ 65,723	\$ 34,281	\$ 31,442	\$ (31,442)
2009-10	Domestic Violence Arrests and Victims Assistance	Ch. 698/98	274	\$ 1,366,505	\$ 1,366,505	\$ -	\$ 7,643	\$ -	\$ 7,643	\$ (7,643)
2009-10	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,871,143	\$ -	\$ 1,871,143	\$ -	\$ -	\$ -	\$ 1,871,143
2009-10	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 4,732	\$ -	\$ 4,732	\$ -	\$ -	\$ -	\$ 4,732
2009-10	Handicapped and Disabled Students, Handicapped and Disabled Students II, and Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services	Ch. 1747/84	273	\$ 134,478,404	\$ -	\$ 134,478,404	\$ -	\$ -	\$ -	\$ 134,478,404
2009-10	Identity Theft	Ch. 956/00	321	\$ 9,361,799	\$ -	\$ 9,361,799	\$ -	\$ -	\$ -	\$ 9,361,799
2009-10	In-Home Support Services II	Ch. 90/99	289	\$ 20,569	\$ -	\$ 20,569	\$ -	\$ -	\$ -	\$ 20,569
2009-10	Local Agency Formation Commissions (LAFCO)	Ch. 761/00	300	\$ 7,017	\$ -	\$ 7,017	\$ -	\$ -	\$ -	\$ 7,017
2009-10	Local Government Employee Relations	Ch. 901/00	298	\$ 703,728	\$ -	\$ 703,728	\$ -	\$ -	\$ -	\$ 703,728
2009-10	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 518,685	\$ -	\$ 518,685	\$ -	\$ -	\$ -	\$ 518,685
2009-10	Mandate Reimbursement Process	Ch. 486/75	41	\$ 5,494,668	\$ -	\$ 5,494,668	\$ -	\$ -	\$ -	\$ 5,494,668
2009-10	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 17,935	\$ -	\$ 17,935	\$ -	\$ -	\$ -	\$ 17,935
2009-10	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 219,819	\$ -	\$ 219,819	\$ -	\$ -	\$ -	\$ 219,819
2009-10	Mentally Disordered Sex Offenders: Extended Commitment Proceedings	Ch. 1036/78	39	\$ 3,011	\$ -	\$ 3,011	\$ -	\$ -	\$ -	\$ 3,011
2009-10	Mentally Retarded Defendants: Diversion	Ch. 1253/80	66	\$ 1,345	\$ -	\$ 1,345	\$ -	\$ -	\$ -	\$ 1,345
2009-10	Modified Primary Election	Ch. 898/00	323	\$ 468,288	\$ -	\$ 468,288	\$ -	\$ -	\$ -	\$ 468,288
2009-10	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 2,806,076	\$ -	\$ 2,806,076	\$ -	\$ -	\$ -	\$ 2,806,076
2009-10	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 120,902	\$ -	\$ 120,902	\$ -	\$ -	\$ -	\$ 120,902
2009-10	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 16,636,791	\$ -	\$ 16,636,791	\$ -	\$ -	\$ -	\$ 16,636,791
2009-10	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 1,466	\$ -	\$ 1,466	\$ -	\$ -	\$ -	\$ 1,466
2009-10	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 6,657,034	\$ -	\$ 6,657,034	\$ -	\$ -	\$ -	\$ 6,657,034
2009-10	Perinatal Services	Ch. 1603/90	124	\$ 47,464	\$ -	\$ 47,464	\$ -	\$ -	\$ -	\$ 47,464
2009-10	Permanent Absent Voters	Ch. 1422/82	83	\$ 1,310,491	\$ -	\$ 1,310,491	\$ -	\$ -	\$ -	\$ 1,310,491
2009-10	Permanent Absent Voters II	Ch. 922/01	324	\$ 121,578	\$ -	\$ 121,578	\$ -	\$ -	\$ -	\$ 121,578
2009-10	Pesticide Use Reports	Ch. 1200/89	121	\$ 47,069	\$ 33,025	\$ 14,044	\$ -	\$ -	\$ -	\$ 14,044
2009-10	Photographic Record of Evidence	Ch. 875/85	215	\$ 2,177	\$ -	\$ 2,177	\$ -	\$ -	\$ -	\$ 2,177
2009-10	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 7,804	\$ -	\$ 7,804	\$ -	\$ -	\$ -	\$ 7,804
2009-10	Search Warrant: AIDS	Ch. 1088/88	73	\$ 48,090	\$ -	\$ 48,090	\$ -	\$ -	\$ -	\$ 48,090
2009-10	Stolen Vehicle Notification	Ch. 337/90	120	\$ 13,379	\$ -	\$ 13,379	\$ -	\$ -	\$ -	\$ 13,379
2009-10	Voter Registration Procedures	Ch. 704/75	56	\$ 1,205,598	\$ -	\$ 1,205,598	\$ -	\$ -	\$ -	\$ 1,205,598
2009-10 Total				\$ 237,849,408	\$ 11,072,129	\$ 226,777,279	\$ 76,299	\$ 34,281	\$ 42,018	\$ 226,735,261
2008-09	Absentee Ballots	Ch. 77/78	2	\$ 25,668,036	\$ 25,668,036	\$ -	\$ 1,012,417	\$ 468,082	\$ 544,335	\$ (544,335)
2008-09	Administrative License Suspension	Ch.1460/89	246	\$ 2,674,609	\$ 2,674,609	\$ -	\$ 103,932	\$ 2,658	\$ 101,274	\$ (101,274)
2008-09	Animal Adoption	Ch. 752/98	213	\$ 23,049,564	\$ -	\$ 23,049,564	\$ -	\$ -	\$ -	\$ 23,049,564

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2008-09	Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67	\$ 171,702	\$ -	\$ 171,702	\$ -	\$ -	\$ -	\$ 171,702
2008-09	Coroner's Costs	Ch. 498/77	88	\$ 113,089	\$ -	\$ 113,089	\$ -	\$ -	\$ -	\$ 113,089
2008-09	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 16,060,195	\$ -	\$ 16,060,195	\$ -	\$ -	\$ -	\$ 16,060,195
2008-09	Crime Victim's Domestic Violence Incident Reports	Ch. 1022/99	262	\$ 172,788	\$ 172,788	\$ -	\$ 2,257	\$ -	\$ 2,257	\$ (2,257)
2008-09	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 263,698	\$ -	\$ 263,698	\$ -	\$ -	\$ -	\$ 263,698
2008-09	Crime Victims' Rights	Ch. 411/95	158	\$ 363,356	\$ -	\$ 363,356	\$ -	\$ -	\$ -	\$ 363,356
2008-09	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 567,312	\$ -	\$ 567,312	\$ -	\$ -	\$ -	\$ 567,312
2008-09	DNA Database	Ch. 822/00	266	\$ 146,180	\$ -	\$ 146,180	\$ -	\$ -	\$ -	\$ 146,180
2008-09	Domestic Violence Background Checks	Ch. 713/01	322	\$ 2,086,981	\$ -	\$ 2,086,981	\$ -	\$ -	\$ -	\$ 2,086,981
2008-09	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,174,267	\$ 2,174,267	\$ -	\$ 298,196	\$ 115,151	\$ 183,045	\$ (183,045)
2008-09	False Reports of Police Misconduct	Ch. 590/95	257	\$ 4,297	\$ -	\$ 4,297	\$ -	\$ -	\$ -	\$ 4,297
2008-09	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 100,886	\$ -	\$ 100,886	\$ -	\$ -	\$ -	\$ 100,886
2008-09	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 31,906	\$ -	\$ 31,906	\$ -	\$ -	\$ -	\$ 31,906
2008-09	Handicapped and Disabled Students, Handicapped and Disabled Students II, and Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services	Ch. 1747/84	273	\$ 32,151,097	\$ 2,291	\$ 32,148,806	\$ -	\$ -	\$ -	\$ 32,148,806
2008-09	Identity Theft	Ch. 956/00	321	\$ 10,110,100	\$ -	\$ 10,110,100	\$ -	\$ -	\$ -	\$ 10,110,100
2008-09	Judicial Proceedings For Mentally Retarded Persons	Ch. 644/80	35	\$ 139,227	\$ -	\$ 139,227	\$ -	\$ -	\$ -	\$ 139,227
2008-09	Local Government Employee Relations	Ch. 901/00	298	\$ 844,154	\$ -	\$ 844,154	\$ -	\$ -	\$ -	\$ 844,154
2008-09	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 669,845	\$ -	\$ 669,845	\$ -	\$ -	\$ -	\$ 669,845
2008-09	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 383,293	\$ -	\$ 383,293	\$ -	\$ -	\$ -	\$ 383,293
2008-09	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 3,794,562	\$ -	\$ 3,794,562	\$ -	\$ -	\$ -	\$ 3,794,562
2008-09	Mentally Disordered Sex Offenders: Extended Commitment Proceedings	Ch. 1036/78	39	\$ 40,980	\$ -	\$ 40,980	\$ -	\$ -	\$ -	\$ 40,980
2008-09	Mentally Retarded Defendants: Diversion	Ch. 1253/80	66	\$ 17,862	\$ -	\$ 17,862	\$ -	\$ -	\$ -	\$ 17,862
2008-09	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 3,344,905	\$ -	\$ 3,344,905	\$ -	\$ -	\$ -	\$ 3,344,905
2008-09	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 2,749,480	\$ -	\$ 2,749,480	\$ -	\$ -	\$ -	\$ 2,749,480
2008-09	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 16,772,447	\$ -	\$ 16,772,447	\$ -	\$ -	\$ -	\$ 16,772,447
2008-09	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 64,851	\$ -	\$ 64,851	\$ -	\$ -	\$ -	\$ 64,851
2008-09	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 12,813,444	\$ -	\$ 12,813,444	\$ -	\$ -	\$ -	\$ 12,813,444
2008-09	Perinatal Services	Ch. 1603/90	124	\$ 1,009,278	\$ -	\$ 1,009,278	\$ -	\$ -	\$ -	\$ 1,009,278
2008-09	Permanent Absent Voters	Ch. 1422/82	83	\$ 1,813,889	\$ 1,813,889	\$ -	\$ 29,513	\$ -	\$ 29,513	\$ (29,513)
2008-09	Permanent Absent Voters II	Ch. 922/01	324	\$ 191,573	\$ -	\$ 191,573	\$ -	\$ -	\$ -	\$ 191,573
2008-09	Photographic Record of Evidence	Ch. 875/85	215	\$ 112,982	\$ -	\$ 112,982	\$ -	\$ -	\$ -	\$ 112,982
2008-09	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 142,458	\$ -	\$ 142,458	\$ -	\$ -	\$ -	\$ 142,458
2008-09	Postmortem Examinations: Unidentified Bodies, Human Remains	Ch. 284/00	255	\$ 1,122	\$ -	\$ 1,122	\$ -	\$ -	\$ -	\$ 1,122

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2008-09	Search Warrant: AIDS	Ch. 1088/88	73	\$ 706,871	\$ -	\$ 706,871	\$ -	\$ -	\$ -	\$ 706,871
2008-09	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 195,373	\$ -	\$ 195,373	\$ -	\$ -	\$ -	\$ 195,373
2008-09	Stolen Vehicle Notification	Ch. 337/90	120	\$ 551,742	\$ -	\$ 551,742	\$ -	\$ -	\$ -	\$ 551,742
2008-09 Total				\$ 162,270,401	\$ 32,505,880	\$ 129,764,521	\$ 1,446,315	\$ 585,891	\$ 860,424	\$ 128,904,097
2007-08	Absentee Ballots	Ch. 77/78	2	\$ 22,557,828	\$ 22,557,828	\$ -	\$ 103,885	\$ 705	\$ 103,180	\$ (103,180)
2007-08	Administrative License Suspension	Ch. 1460/89	246	\$ 2,537,487	\$ 2,537,487	\$ -	\$ 15,363	\$ 4,574	\$ 10,789	\$ (10,789)
2007-08	Animal Adoption	Ch. 752/98	213	\$ 20,630,891	\$ -	\$ 20,630,891	\$ -	\$ -	\$ -	\$ 20,630,891
2007-08	Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67	\$ 164,218	\$ -	\$ 164,218	\$ -	\$ -	\$ -	\$ 164,218
2007-08	Coroner's Costs	Ch. 498/77	88	\$ 99,582	\$ -	\$ 99,582	\$ -	\$ -	\$ -	\$ 99,582
2007-08	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 15,655,373	\$ -	\$ 15,655,373	\$ -	\$ -	\$ -	\$ 15,655,373
2007-08	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 275,387	\$ -	\$ 275,387	\$ -	\$ -	\$ -	\$ 275,387
2007-08	Crime Victims' Rights	Ch. 411/95	158	\$ 321,041	\$ -	\$ 321,041	\$ -	\$ -	\$ -	\$ 321,041
2007-08	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 593,232	\$ -	\$ 593,232	\$ -	\$ -	\$ -	\$ 593,232
2007-08	DNA Database	Ch. 822/00	266	\$ 163,634	\$ -	\$ 163,634	\$ -	\$ -	\$ -	\$ 163,634
2007-08	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 7,589,735	\$ 7,589,735	\$ -	\$ 17,895	\$ 7,895	\$ 10,000	\$ (10,000)
2007-08	Domestic Violence Arrests and Victims Assistance	Ch. 698/98	274	\$ 1,238,574	\$ 1,238,574	\$ -	\$ 120,918	\$ 109,792	\$ 11,126	\$ (11,126)
2007-08	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,942,263	\$ -	\$ 1,942,263	\$ -	\$ -	\$ -	\$ 1,942,263
2007-08	False Reports of Police Misconduct	Ch. 590/95	257	\$ 5,788	\$ -	\$ 5,788	\$ -	\$ -	\$ -	\$ 5,788
2007-08	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 146,000	\$ -	\$ 146,000	\$ -	\$ -	\$ -	\$ 146,000
2007-08	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 27,775	\$ -	\$ 27,775	\$ -	\$ -	\$ -	\$ 27,775
2007-08	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 6,058,218	\$ -	\$ 6,058,218	\$ -	\$ -	\$ -	\$ 6,058,218
2007-08	Handicapped and Disabled Students, Handicapped and Disabled Students II, and Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services	Ch. 1747/84	273	\$ 76,180,806	\$ 5,347,016	\$ 70,833,790	\$ -	\$ -	\$ -	\$ 70,833,790
2007-08	Identity Theft	Ch. 956/00	321	\$ 9,689,339	\$ -	\$ 9,689,339	\$ -	\$ -	\$ -	\$ 9,689,339
2007-08	Judicial Proceedings For Mentally Retarded Persons	Ch. 644/80	35	\$ 134,655	\$ -	\$ 134,655	\$ -	\$ -	\$ -	\$ 134,655
2007-08	Local Agency Formation Commissions (LAFCO)	Ch. 761/00	300	\$ 9,133	\$ 5,761	\$ 3,372	\$ -	\$ -	\$ -	\$ 3,372
2007-08	Local Government Employee Relations	Ch. 901/00	298	\$ 1,622,631	\$ -	\$ 1,622,631	\$ -	\$ -	\$ -	\$ 1,622,631
2007-08	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 661,256	\$ -	\$ 661,256	\$ -	\$ -	\$ -	\$ 661,256
2007-08	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 681,608	\$ -	\$ 681,608	\$ -	\$ -	\$ -	\$ 681,608
2007-08	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 3,146,513	\$ -	\$ 3,146,513	\$ -	\$ -	\$ -	\$ 3,146,513
2007-08	Mentally Disordered Sex Offenders: Extended Commitment Proceedings	Ch. 1036/78	39	\$ 295,550	\$ -	\$ 295,550	\$ -	\$ -	\$ -	\$ 295,550
2007-08	Mentally Retarded Defendants: Diversion	Ch. 1253/80	66	\$ 16,698	\$ -	\$ 16,698	\$ -	\$ -	\$ -	\$ 16,698
2007-08	Modified Primary Election	Ch. 898/00	323	\$ 321,317	\$ -	\$ 321,317	\$ -	\$ -	\$ -	\$ 321,317
2007-08	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 4,934,428	\$ -	\$ 4,934,428	\$ -	\$ -	\$ -	\$ 4,934,428
2007-08	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 2,338,247	\$ -	\$ 2,338,247	\$ -	\$ -	\$ -	\$ 2,338,247
2007-08	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 16,500,776	\$ -	\$ 16,500,776	\$ -	\$ -	\$ -	\$ 16,500,776

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2007-08	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 277,610	\$ -	\$ 277,610	\$ -	\$ -	\$ -	\$ 277,610
2007-08	Peace Officers Cancer Presumption	Ch. 1171/89	118	\$ 4,951,263	\$ -	\$ 4,951,263	\$ -	\$ -	\$ -	\$ 4,951,263
2007-08	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 9,354,360	\$ -	\$ 9,354,360	\$ -	\$ -	\$ -	\$ 9,354,360
2007-08	Perinatal Services	Ch. 1603/90	124	\$ 1,280,819	\$ -	\$ 1,280,819	\$ -	\$ -	\$ -	\$ 1,280,819
2007-08	Permanent Absent Voters II	Ch. 922/01	324	\$ 18,688	\$ -	\$ 18,688	\$ -	\$ -	\$ -	\$ 18,688
2007-08	Photographic Record of Evidence	Ch. 875/85	215	\$ 163,955	\$ -	\$ 163,955	\$ -	\$ -	\$ -	\$ 163,955
2007-08	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 123,677	\$ -	\$ 123,677	\$ -	\$ -	\$ -	\$ 123,677
2007-08	Postmortem Examinations: Unidentified Bodies, Human Remains	Ch. 284/00	255	\$ 4,338	\$ -	\$ 4,338	\$ -	\$ -	\$ -	\$ 4,338
2007-08	Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 361,730	\$ 361,730	\$ -	\$ 12,360	\$ 9,100	\$ 3,260	\$ (3,260)
2007-08	Search Warrant: AIDS	Ch. 1088/88	73	\$ 841,064	\$ -	\$ 841,064	\$ -	\$ -	\$ -	\$ 841,064
2007-08	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 284,904	\$ -	\$ 284,904	\$ -	\$ -	\$ -	\$ 284,904
2007-08	Stolen Vehicle Notification	Ch. 337/90	120	\$ 551,719	\$ -	\$ 551,719	\$ -	\$ -	\$ -	\$ 551,719
2007-08 Total				\$ 214,754,110	\$ 39,638,131	\$ 175,115,979	\$ 270,421	\$ 132,066	\$ 138,355	\$ 174,977,624
2006-07	Absentee Ballots	Ch. 77/78	2	\$ 19,646,473	\$ 19,646,473	\$ -	\$ 1,879,295	\$ 1,796,175	\$ 83,120	\$ (83,120)
2006-07	Animal Adoption	Ch. 752/98	213	\$ 17,578,031	\$ 17,578,031	\$ -	\$ 7,173,913	\$ 3,196,190	\$ 3,977,723	\$ (3,977,723)
2006-07	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 14,699,081	\$ -	\$ 14,699,081	\$ -	\$ -	\$ -	\$ 14,699,081
2006-07	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 253,715	\$ -	\$ 253,715	\$ -	\$ -	\$ -	\$ 253,715
2006-07	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 7,245,327	\$ 7,245,327	\$ -	\$ 511,677	\$ 203,592	\$ 308,085	\$ (308,085)
2006-07	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,613,395	\$ -	\$ 1,613,395	\$ -	\$ -	\$ -	\$ 1,613,395
2006-07	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 99,516	\$ -	\$ 99,516	\$ -	\$ -	\$ -	\$ 99,516
2006-07	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 17,343	\$ -	\$ 17,343	\$ -	\$ -	\$ -	\$ 17,343
2006-07	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 4,916,471	\$ 4,891,214	\$ 25,257	\$ 329,599	\$ 96,754	\$ 232,845	\$ (207,588)
2006-07	Handicapped and Disabled Students, Handicapped and Disabled Students II, and Seriously Emotionally Disturbed (SED) Pupils: Out of State Mental Health Services	Ch. 1747/84	273	\$ 55,055,560	\$ 45,839,884	\$ 9,215,676	\$ 810,809	\$ 314,697	\$ 496,112	\$ 8,719,564
2006-07	Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 911,198	\$ 911,198	\$ -	\$ 63,389	\$ 62,655	\$ 734	\$ (734)
2006-07	Identity Theft	Ch. 956/00	321	\$ 8,195,588	\$ -	\$ 8,195,588	\$ -	\$ -	\$ -	\$ 8,195,588
2006-07	Local Government Employee Relations	Ch. 901/00	298	\$ 1,494,135	\$ -	\$ 1,494,135	\$ -	\$ -	\$ -	\$ 1,494,135
2006-07	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 608,739	\$ -	\$ 608,739	\$ -	\$ -	\$ -	\$ 608,739
2006-07	Mentally Disordered Offenders: Treatment as a Condition of Parole	Ch. 1419/85	281	\$ 649,974	\$ -	\$ 649,974	\$ -	\$ -	\$ -	\$ 649,974
2006-07	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 3,003,738	\$ 2,950,498	\$ 53,240	\$ 341,376	\$ 341,376	\$ -	\$ 53,240
2006-07	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 4,945,546	\$ -	\$ 4,945,546	\$ -	\$ -	\$ -	\$ 4,945,546
2006-07	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 1,707,977	\$ 1,702,574	\$ 5,403	\$ 439,438	\$ 439,438	\$ -	\$ 5,403
2006-07	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 15,737,180	\$ -	\$ 15,737,180	\$ -	\$ -	\$ -	\$ 15,737,180
2006-07	Peace Officers Cancer Presumption	Ch. 1171/89	118	\$ 5,458,348	\$ 5,346,969	\$ 111,379	\$ 499,658	\$ 260,199	\$ 239,459	\$ (128,080)
2006-07	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 9,846,865	\$ 7,917,464	\$ 1,929,401	\$ 10,543,101	\$ 8,336,825	\$ 2,206,276	\$ (276,875)
2006-07	Permanent Absent Voters II	Ch. 922/01	324	\$ 24,807	\$ -	\$ 24,807	\$ -	\$ -	\$ -	\$ 24,807
2006-07	Photographic Record of Evidence	Ch. 875/85	215	\$ 309,808	\$ 298,328	\$ 11,480	\$ 224,111	\$ 123,080	\$ 101,031	\$ (89,551)
2006-07	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 359,305	\$ 334,797	\$ 24,508	\$ -	\$ -	\$ -	\$ 24,508

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2006-07	Postmortem Examinations: Unidentified Bodies, Human Remains	Ch. 284/00	255	\$ 1,454	\$ 1,454	\$ -	\$ 569,162	\$ 98,026	\$ 471,136	\$ (471,136)
2006-07	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 273,468	\$ 273,084	\$ 384	\$ 384	\$ 384	\$ -	\$ 384
2006-07 Total				\$ 174,653,042	\$ 114,937,295	\$ 59,715,747	\$ 23,385,912	\$ 15,269,391	\$ 8,116,521	\$ 51,599,226
2005-06	Animal Adoption	Ch. 752/98	213	\$ 17,295,277	\$ 17,295,277	\$ -	\$ 4,731,540	\$ 2,180,604	\$ 2,550,936	\$ (2,550,936)
2005-06	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 14,208,617	\$ -	\$ 14,208,617	\$ -	\$ -	\$ -	\$ 14,208,617
2005-06	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 228,442	\$ -	\$ 228,442	\$ -	\$ -	\$ -	\$ 228,442
2005-06	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 6,667,418	\$ 6,667,418	\$ -	\$ 275,973	\$ 18,621	\$ 257,352	\$ (257,352)
2005-06	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,404,520	\$ -	\$ 1,404,520	\$ -	\$ -	\$ -	\$ 1,404,520
2005-06	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 74,994	\$ -	\$ 74,994	\$ -	\$ -	\$ -	\$ 74,994
2005-06	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 14,818	\$ -	\$ 14,818	\$ -	\$ -	\$ -	\$ 14,818
2005-06	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 47,584,774	\$ 46,036,314	\$ 1,548,460	\$ 24,034,991	\$ 16,222,065	\$ 7,812,926	\$ (6,264,466)
2005-06	Handicapped and Disabled Students II	Ch. 1128/94	263	\$ 1,413,312	\$ 241,607	\$ 1,171,705	\$ -	\$ -	\$ -	\$ 1,171,705
2005-06	Identity Theft	Ch. 956/00	321	\$ 6,606,055	\$ -	\$ 6,606,055	\$ -	\$ -	\$ -	\$ 6,606,055
2005-06	Local Agency Formation Commissions (LAFCO)	Ch. 761/00	300	\$ 202,633	\$ 192,604	\$ 10,029	\$ -	\$ -	\$ -	\$ 10,029
2005-06	Local Government Employee Relations	Ch. 901/00	298	\$ 624,936	\$ -	\$ 624,936	\$ -	\$ -	\$ -	\$ 624,936
2005-06	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 520,454	\$ -	\$ 520,454	\$ -	\$ -	\$ -	\$ 520,454
2005-06	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 680,286	\$ -	\$ 680,286	\$ -	\$ -	\$ -	\$ 680,286
2005-06	Modified Primary Election	Ch. 898/00	323	\$ 224,217	\$ -	\$ 224,217	\$ -	\$ -	\$ -	\$ 224,217
2005-06	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 4,426,491	\$ -	\$ 4,426,491	\$ -	\$ -	\$ -	\$ 4,426,491
2005-06	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 14,357,147	\$ 400,803	\$ 13,956,344	\$ 187,248	\$ 156,785	\$ 30,463	\$ 13,925,881
2005-06	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 13,310,225	\$ 11,075,800	\$ 2,234,425	\$ 6,047,022	\$ 5,925,563	\$ 121,459	\$ 2,112,966
2005-06	Permanent Absent Voters II	Ch. 922/01	324	\$ 21,868	\$ -	\$ 21,868	\$ -	\$ -	\$ -	\$ 21,868
2005-06	Photographic Record of Evidence	Ch. 875/85	215	\$ 292,557	\$ 292,557	\$ -	\$ 215,089	\$ 87,646	\$ 127,443	\$ (127,443)
2005-06	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 173,372	\$ 134,566	\$ 38,806	\$ -	\$ -	\$ -	\$ 38,806
2005-06	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 258,165	\$ 258,032	\$ 133	\$ 133	\$ 133	\$ -	\$ 133
2005-06 Total				\$ 130,590,578	\$ 82,594,978	\$ 47,995,600	\$ 35,491,996	\$ 24,591,417	\$ 10,900,579	\$ 37,095,021
2004-05	Absentee Ballots	Ch. 77/78	2	\$ 17,563,599	\$ 17,516,451	\$ 47,148	\$ 2,316,857	\$ 2,316,857	\$ -	\$ 47,148
2004-05	Animal Adoption	Ch. 752/98	213	\$ 19,548,029	\$ 19,548,029	\$ -	\$ 4,216,994	\$ 2,830,732	\$ 1,386,262	\$ (1,386,262)
2004-05	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 13,916,033	\$ -	\$ 13,916,033	\$ -	\$ -	\$ -	\$ 13,916,033
2004-05	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 222,536	\$ -	\$ 222,536	\$ -	\$ -	\$ -	\$ 222,536
2004-05	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 6,141,561	\$ 6,141,561	\$ -	\$ 1,110,167	\$ 1,051,100	\$ 59,067	\$ (59,067)
2004-05	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,301,244	\$ -	\$ 1,301,244	\$ -	\$ -	\$ -	\$ 1,301,244
2004-05	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 83,670	\$ -	\$ 83,670	\$ -	\$ -	\$ -	\$ 83,670
2004-05	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 9,385	\$ -	\$ 9,385	\$ -	\$ -	\$ -	\$ 9,385
2004-05	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 2,985,232	\$ 2,985,232	\$ -	\$ 862,921	\$ 831,514	\$ 31,407	\$ (31,407)
2004-05	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 47,836,298	\$ 45,841,083	\$ 1,995,215	\$ 24,694,055	\$ 17,134,159	\$ 7,559,896	\$ (5,564,681)
2004-05	Handicapped and Disabled Students II	Ch. 1128/94	263	\$ 122,653	\$ -	\$ 122,653	\$ -	\$ -	\$ -	\$ 122,653
2004-05	Identity Theft	Ch. 956/00	321	\$ 6,015,442	\$ -	\$ 6,015,442	\$ -	\$ -	\$ -	\$ 6,015,442
2004-05	Local Agency Formation Commissions (LAFCO)	Ch. 761/00	300	\$ 9,603	\$ 4,880	\$ 4,723	\$ -	\$ -	\$ -	\$ 4,723
2004-05	Local Government Employee Relations	Ch. 901/00	298	\$ 572,059	\$ -	\$ 572,059	\$ -	\$ -	\$ -	\$ 572,059

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2004-05	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 423,486	\$ -	\$ 423,486	\$ -	\$ -	\$ -	\$ 423,486
2004-05	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 427,477	\$ -	\$ 427,477	\$ -	\$ -	\$ -	\$ 427,477
2004-05	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 4,377,858	\$ -	\$ 4,377,858	\$ -	\$ -	\$ -	\$ 4,377,858
2004-05	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 14,798,506	\$ 14,438,448	\$ 360,058	\$ 1,690,642	\$ 1,688,023	\$ 2,619	\$ 357,439
2004-05	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 13,187,078	\$ -	\$ 13,187,078	\$ -	\$ -	\$ -	\$ 13,187,078
2004-05	Permanent Absent Voters II	Ch. 922/01	324	\$ 24,382	\$ -	\$ 24,382	\$ -	\$ -	\$ -	\$ 24,382
2004-05	Photographic Record of Evidence	Ch. 875/85	215	\$ 340,151	\$ 340,151	\$ -	\$ 381,207	\$ 225,914	\$ 155,293	\$ (155,293)
2004-05	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 31,183	\$ 17,053	\$ 14,130	\$ -	\$ -	\$ -	\$ 14,130
2004-05	Racial Profiling: Law Enforcement Training	Ch. 684/00	282	\$ 126,355	\$ -	\$ 126,355	\$ -	\$ -	\$ -	\$ 126,355
2004-05 Total				\$ 150,063,820	\$ 106,832,888	\$ 43,230,932	\$ 35,272,843	\$ 26,078,299	\$ 9,194,544	\$ 34,036,388
2003-04	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 12,995,063	\$ -	\$ 12,995,063	\$ -	\$ -	\$ -	\$ 12,995,063
2003-04	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 198,432	\$ -	\$ 198,432	\$ -	\$ -	\$ -	\$ 198,432
2003-04	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,445,585	\$ -	\$ 1,445,585	\$ -	\$ -	\$ -	\$ 1,445,585
2003-04	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 69,168	\$ -	\$ 69,168	\$ -	\$ -	\$ -	\$ 69,168
2003-04	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 10,431	\$ -	\$ 10,431	\$ -	\$ -	\$ -	\$ 10,431
2003-04	Handicapped and Disabled Students II	Ch. 1128/94	263	\$ 1,183,695	\$ -	\$ 1,183,695	\$ -	\$ -	\$ -	\$ 1,183,695
2003-04	Identity Theft	Ch. 956/00	321	\$ 4,922,194	\$ -	\$ 4,922,194	\$ -	\$ -	\$ -	\$ 4,922,194
2003-04	In-Home Support Services II	Ch. 90/99	289	\$ 11,904	\$ -	\$ 11,904	\$ -	\$ -	\$ -	\$ 11,904
2003-04	Local Government Employee Relations	Ch. 901/00	298	\$ 278,272	\$ -	\$ 278,272	\$ -	\$ -	\$ -	\$ 278,272
2003-04	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 389,996	\$ -	\$ 389,996	\$ -	\$ -	\$ -	\$ 389,996
2003-04	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 446,868	\$ -	\$ 446,868	\$ -	\$ -	\$ -	\$ 446,868
2003-04	Modified Primary Election	Ch. 898/00	323	\$ 138,065	\$ -	\$ 138,065	\$ -	\$ -	\$ -	\$ 138,065
2003-04	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 4,166,048	\$ -	\$ 4,166,048	\$ -	\$ -	\$ -	\$ 4,166,048
2003-04	Permanent Absent Voters II	Ch. 922/01	324	\$ 14,834	\$ -	\$ 14,834	\$ -	\$ -	\$ -	\$ 14,834
2003-04	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 148,711	\$ 124,059	\$ 24,652	\$ -	\$ -	\$ -	\$ 24,652
2003-04	Racial Profiling: Law Enforcement Training	Ch. 684/00	282	\$ 6,650,521	\$ -	\$ 6,650,521	\$ -	\$ -	\$ -	\$ 6,650,521
2003-04 Total				\$ 33,069,787	\$ 124,059	\$ 32,945,728	\$ -	\$ -	\$ -	\$ 32,945,728
2002-03	Binding Arbitration	Ch. 906/00	284	\$ 122,267	\$ -	\$ 122,267	\$ -	\$ -	\$ -	\$ 122,267
2002-03	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 12,146,890	\$ -	\$ 12,146,890	\$ -	\$ -	\$ -	\$ 12,146,890
2002-03	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 159,800	\$ -	\$ 159,800	\$ -	\$ -	\$ -	\$ 159,800
2002-03	Domestic Violence Background Checks	Ch. 713/01	322	\$ 1,482,019	\$ -	\$ 1,482,019	\$ -	\$ -	\$ -	\$ 1,482,019
2002-03	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 59,501	\$ -	\$ 59,501	\$ -	\$ -	\$ -	\$ 59,501
2002-03	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 12,410	\$ -	\$ 12,410	\$ -	\$ -	\$ -	\$ 12,410
2002-03	Handicapped and Disabled Students II	Ch. 1128/94	263	\$ 2,958,677	\$ -	\$ 2,958,677	\$ -	\$ -	\$ -	\$ 2,958,677
2002-03	Identity Theft	Ch. 956/00	321	\$ 4,322,291	\$ -	\$ 4,322,291	\$ -	\$ -	\$ -	\$ 4,322,291
2002-03	In-Home Support Services II	Ch. 90/99	289	\$ 132,994	\$ -	\$ 132,994	\$ -	\$ -	\$ -	\$ 132,994
2002-03	Local Government Employee Relations	Ch. 901/00	298	\$ 217,798	\$ -	\$ 217,798	\$ -	\$ -	\$ -	\$ 217,798
2002-03	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 397,782	\$ -	\$ 397,782	\$ -	\$ -	\$ -	\$ 397,782

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2002-03	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 821,319	\$ -	\$ 821,319	\$ -	\$ -	\$ -	\$ 821,319
2002-03	Municipal Storm Water and Urban Runoff Discharges	Title 2	314	\$ 3,642,082	\$ -	\$ 3,642,082	\$ -	\$ -	\$ -	\$ 3,642,082
2002-03	Permanent Absent Voters II	Ch. 922/01	324	\$ 9,310	\$ -	\$ 9,310	\$ -	\$ -	\$ -	\$ 9,310
2002-03	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 135,482	\$ 112,687	\$ 22,795	\$ -	\$ -	\$ -	\$ 22,795
2002-03	Racial Profiling: Law Enforcement Training	Ch. 684/00	282	\$ 3,008,618	\$ -	\$ 3,008,618	\$ -	\$ -	\$ -	\$ 3,008,618
2002-03 Total				\$ 29,629,240	\$ 112,687	\$ 29,516,553	\$ -	\$ -	\$ -	\$ 29,516,553
2001-02	Binding Arbitration	Ch. 906/00	284	\$ 169,704	\$ -	\$ 169,704	\$ -	\$ -	\$ -	\$ 169,704
2001-02	Crime Statistics Reports for the Department of Justice	Ch. 1172/89	310	\$ 11,348,947	\$ -	\$ 11,348,947	\$ -	\$ -	\$ -	\$ 11,348,947
2001-02	Crime Victims' Domestic Violence Incident Reports II	Ch. 483/01	306	\$ 51,990	\$ -	\$ 51,990	\$ -	\$ -	\$ -	\$ 51,990
2001-02	Domestic Violence Background Checks	Ch. 713/01	322	\$ 583,468	\$ -	\$ 583,468	\$ -	\$ -	\$ -	\$ 583,468
2001-02	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 75,056	\$ -	\$ 75,056	\$ -	\$ -	\$ -	\$ 75,056
2001-02	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 15,208	\$ -	\$ 15,208	\$ -	\$ -	\$ -	\$ 15,208
2001-02	Handicapped and Disabled Students II	Ch. 1128/94	263	\$ 2,343,422	\$ -	\$ 2,343,422	\$ -	\$ -	\$ -	\$ 2,343,422
2001-02	In-Home Support Services II	Ch. 90/99	289	\$ 116,534	\$ -	\$ 116,534	\$ -	\$ -	\$ -	\$ 116,534
2001-02	Local Government Employee Relations	Ch. 901/00	298	\$ 189,785	\$ -	\$ 189,785	\$ -	\$ -	\$ -	\$ 189,785
2001-02	Local Recreational Areas: Background Screenings	Ch. 777/01	285	\$ 171,461	\$ -	\$ 171,461	\$ -	\$ -	\$ -	\$ 171,461
2001-02	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 565,634	\$ -	\$ 565,634	\$ -	\$ -	\$ -	\$ 565,634
2001-02	Modified Primary Election	Ch. 898/00	323	\$ 32,181	\$ -	\$ 32,181	\$ -	\$ -	\$ -	\$ 32,181
2001-02	Post Conviction: DNA Court Proceedings	Ch. 821/00	279	\$ 73,775	\$ 62,375	\$ 11,400	\$ -	\$ -	\$ -	\$ 11,400
2001-02	Racial Profiling: Law Enforcement Training	Ch. 684/00	282	\$ 70,053	\$ -	\$ 70,053	\$ -	\$ -	\$ -	\$ 70,053
2001-02 Total				\$ 15,807,218	\$ 62,375	\$ 15,744,843	\$ -	\$ -	\$ -	\$ 15,744,843
2000-01	Binding Arbitration	Ch. 906/00	284	\$ 36,299	\$ -	\$ 36,299	\$ -	\$ -	\$ -	\$ 36,299
2000-01	Fire Safety Inspections of Care Facilities	Ch. 993/89	283	\$ 56,002	\$ -	\$ 56,002	\$ -	\$ -	\$ -	\$ 56,002
2000-01	Firearm Hearing for Discharged Inpatients	Ch. 578/99	293	\$ 13,248	\$ -	\$ 13,248	\$ -	\$ -	\$ -	\$ 13,248
2000-01	In-Home Support Services II	Ch. 90/99	289	\$ 112,301	\$ -	\$ 112,301	\$ -	\$ -	\$ -	\$ 112,301
2000-01	Mentally Disordered Offenders: Treatment as a Conditions of Parole	Ch. 1419/85	281	\$ 235,446	\$ -	\$ 235,446	\$ -	\$ -	\$ -	\$ 235,446
2000-01	Racial Profiling: Law Enforcement Training	Ch. 684/00	282	\$ 4,292	\$ -	\$ 4,292	\$ -	\$ -	\$ -	\$ 4,292
2000-01 Total				\$ 457,588	\$ -	\$ 457,588	\$ -	\$ -	\$ -	\$ 457,588
1999-00	In-Home Support Services II	Ch. 90/99	289	\$ 32,985	\$ -	\$ 32,985	\$ -	\$ -	\$ -	\$ 32,985
1999-00 Total				\$ 32,985	\$ -	\$ 32,985	\$ -	\$ -	\$ -	\$ 32,985
1998-99	Open Meetings Act	Ch. 641/86	49	\$ 5,866,046	\$ 5,866,046	\$ -	\$ 120,751	\$ 119,988	\$ 763	\$ (763)
1998-99 Total				\$ 5,866,046	\$ 5,866,046	\$ -	\$ 120,751	\$ 119,988	\$ 763	\$ (763)
1997-98	Open Meetings Act	Ch. 641/86	49	\$ 4,707,412	\$ 4,707,412	\$ -	\$ 183,902	\$ 183,169	\$ 733	\$ (733)
1997-98 Total				\$ 4,707,412	\$ 4,707,412	\$ -	\$ 183,902	\$ 183,169	\$ 733	\$ (733)
1995-96	Open Meetings Act	Ch. 641/86	49	\$ 3,690,222	\$ 3,690,222	\$ -	\$ 870,559	\$ 867,771	\$ 2,788	\$ (2,788)
1995-96 Total				\$ 3,690,222	\$ 3,690,222	\$ -	\$ 870,559	\$ 867,771	\$ 2,788	\$ (2,788)
1992-93	Open Meetings Act	Ch. 641/86	49	\$ 4,970,992	\$ 4,970,992	\$ -	\$ 713	\$ -	\$ 713	\$ (713)
1992-93 Total				\$ 4,970,992	\$ 4,970,992	\$ -	\$ 713	\$ -	\$ 713	\$ (713)
1991-92	California Fire Incident Reporting System (CFIRS)	Ch. 445/00, 345/87	288	\$ 130,288	\$ -	\$ 130,288	\$ -	\$ -	\$ -	\$ 130,288

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
1991-92	Open Meetings Act	Ch. 641/86	49	\$ 5,350,067	\$ 5,350,067	\$ -	\$ 48,328	\$ 46,542	\$ 1,786	\$ (1,786)
1991-92 Total				\$ 5,480,355	\$ 5,350,067	\$ 130,288	\$ 48,328	\$ 46,542	\$ 1,786	\$ 128,502
1990-91	California Fire Incident Reporting System (CFIRS)	Ch. 445/00, 345/87	288	\$ 85,888	\$ -	\$ 85,888	\$ -	\$ -	\$ -	\$ 85,888
1990-91 Total				\$ 85,888	\$ -	\$ 85,888	\$ -	\$ -	\$ -	\$ 85,888
Grand Total				\$ 1,294,248,596	\$ 427,684,313	\$ 866,564,283	\$ 97,168,039	\$ 67,908,815	\$ 29,259,224	\$ 837,305,059

**Schedule B2:
Local Agencies
for 15-year Payment
Pursuant to Proposition 1A**

State Controller's Office
Division of Accounting and Reporting
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As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2003-04	Absentee Ballots	Ch. 77/78	2	\$ 18,909,670	\$ -	\$ 18,909,670	\$ -	\$ -	\$ -	\$ 18,909,670
2003-04	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 20,545	\$ -	\$ 20,545	\$ -	\$ -	\$ -	\$ 20,545
2003-04	Allocation of Property Tax Revenues	Ch. 697/92	152	\$ 362,165	\$ -	\$ 362,165	\$ -	\$ -	\$ -	\$ 362,165
2003-04	Child Abduction and Recovery	Ch. 1399/76	13	\$ 12,782,459	\$ -	\$ 12,782,459	\$ -	\$ -	\$ -	\$ 12,782,459
2003-04	Conservatorship; Developmentally Disabled Adults	Ch. 1304/80	67	\$ 136,462	\$ -	\$ 136,462	\$ -	\$ -	\$ -	\$ 136,462
2003-04	Coroner's Costs	Ch. 498/77	88	\$ 83,566	\$ -	\$ 83,566	\$ -	\$ -	\$ -	\$ 83,566
2003-04	Countywide Tax Rates	Ch. 921/87	90	\$ 151,074	\$ -	\$ 151,074	\$ -	\$ -	\$ -	\$ 151,074
2003-04	Crime Victims' Rights	Ch. 411/95	158	\$ 228,501	\$ -	\$ 228,501	\$ -	\$ -	\$ -	\$ 228,501
2003-04	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 308,674	\$ -	\$ 308,674	\$ -	\$ -	\$ -	\$ 308,674
2003-04	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 5,949,677	\$ -	\$ 5,949,677	\$ -	\$ -	\$ -	\$ 5,949,677
2003-04	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,194,518	\$ -	\$ 2,194,518	\$ -	\$ -	\$ -	\$ 2,194,518
2003-04	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 2,840,984	\$ -	\$ 2,840,984	\$ -	\$ -	\$ -	\$ 2,840,984
2003-04	Grand Jury Proceedings	Ch. 1170/96	227	\$ 2,781,851	\$ -	\$ 2,781,851	\$ -	\$ -	\$ -	\$ 2,781,851
2003-04	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 39,674,557	\$ -	\$ 39,674,557	\$ -	\$ -	\$ -	\$ 39,674,557
2003-04	Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 384,774	\$ -	\$ 384,774	\$ -	\$ -	\$ -	\$ 384,774
2003-04	Judicial Proceedings For Mentally Retarded Persons	Ch. 644/80	35	\$ 137,059	\$ -	\$ 137,059	\$ -	\$ -	\$ -	\$ 137,059
2003-04	Mandate Reimbursement Process	Ch. 486/75	41	\$ 5,944,315	\$ -	\$ 5,944,315	\$ -	\$ -	\$ -	\$ 5,944,315
2003-04	Medi-Cal Beneficiary Probate	Ch. 102/81	43	\$ 19,422	\$ -	\$ 19,422	\$ -	\$ -	\$ -	\$ 19,422
2003-04	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 1,976,735	\$ -	\$ 1,976,735	\$ -	\$ -	\$ -	\$ 1,976,735
2003-04	Mentally Disordered Sex Offenders: Extended Commitment Proceedings	Ch. 1036/78	39	\$ 40,675	\$ -	\$ 40,675	\$ -	\$ -	\$ -	\$ 40,675
2003-04	Mentally Retarded Defendants: Diversion	Ch. 1253/80	66	\$ 14,010	\$ -	\$ 14,010	\$ -	\$ -	\$ -	\$ 14,010
2003-04	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 1,860,553	\$ -	\$ 1,860,553	\$ -	\$ -	\$ -	\$ 1,860,553
2003-04	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 13,588,862	\$ -	\$ 13,588,862	\$ -	\$ -	\$ -	\$ 13,588,862
2003-04	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 256,296	\$ -	\$ 256,296	\$ -	\$ -	\$ -	\$ 256,296
2003-04	Peace Officers Cancer Presumption	Ch. 1171/89	118	\$ 1,860,505	\$ -	\$ 1,860,505	\$ -	\$ -	\$ -	\$ 1,860,505
2003-04	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 9,674,908	\$ -	\$ 9,674,908	\$ -	\$ -	\$ -	\$ 9,674,908
2003-04	Perinatal Services	Ch. 1603/90	124	\$ 1,002,334	\$ -	\$ 1,002,334	\$ -	\$ -	\$ -	\$ 1,002,334
2003-04	Permanent Absent Voters	Ch. 1422/82	83	\$ 2,923,144	\$ -	\$ 2,923,144	\$ -	\$ -	\$ -	\$ 2,923,144
2003-04	Photographic Record of Evidence	Ch. 875/85	215	\$ 410,002	\$ -	\$ 410,002	\$ -	\$ -	\$ -	\$ 410,002
2003-04	Presidential Primaries 2000	Ch. 18/99	222	\$ 170,703	\$ -	\$ 170,703	\$ -	\$ -	\$ -	\$ 170,703
2003-04	Prisoner Parental Rights	Ch. 820/91	128	\$ 2,905,875	\$ -	\$ 2,905,875	\$ -	\$ -	\$ -	\$ 2,905,875
2003-04	Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 277,627	\$ -	\$ 277,627	\$ -	\$ -	\$ -	\$ 277,627
2003-04	Redevelopment Agencies - Tax Disbursement Reporting	Ch. 39/98	245	\$ 13,075	\$ -	\$ 13,075	\$ -	\$ -	\$ -	\$ 13,075
2003-04	Regional Housing Need Determination	Ch. 1143/80	55	\$ 2,181,855	\$ -	\$ 2,181,855	\$ -	\$ -	\$ -	\$ 2,181,855
2003-04	Search Warrant: AIDS	Ch. 1088/88	73	\$ 1,508,402	\$ -	\$ 1,508,402	\$ -	\$ -	\$ -	\$ 1,508,402
2003-04	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 238,077	\$ -	\$ 238,077	\$ -	\$ -	\$ -	\$ 238,077
2003-04	Seriously Emotionally Disturbed (SED), Pupils: Out-of-State Mental Health Services	Ch. 654/96	191	\$ 16,135,367	\$ -	\$ 16,135,367	\$ -	\$ -	\$ -	\$ 16,135,367
2003-04	Sexually Violent Predators	Ch. 762/95	175	\$ 11,614,420	\$ -	\$ 11,614,420	\$ -	\$ -	\$ -	\$ 11,614,420
2003-04	Voter Registration Procedures	Ch. 704/75	56	\$ 1,608,634	\$ -	\$ 1,608,634	\$ -	\$ -	\$ -	\$ 1,608,634

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2003-04 Total				\$ 163,172,332	\$ -	\$ 163,172,332	\$ -	\$ -	\$ -	\$ 163,172,332
2002-03	Absentee Ballots	Ch. 77/78	2	\$ 11,979,511	\$ -	\$ 11,979,511	\$ -	\$ -	\$ -	\$ 11,979,511
2002-03	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 7,652	\$ -	\$ 7,652	\$ -	\$ -	\$ -	\$ 7,652
2002-03	AIDS Testing	Ch. 1597/88	1	\$ 784,083	\$ 983	\$ 783,100	\$ 17	\$ 17	\$ -	\$ 783,100
2002-03	Allocation of Property Tax Revenues	Ch. 697/92	152	\$ 298,804	\$ -	\$ 298,804	\$ -	\$ -	\$ -	\$ 298,804
2002-03	Animal Adoption	Ch. 752/98	213	\$ 14,665,349	\$ -	\$ 14,665,349	\$ -	\$ -	\$ -	\$ 14,665,349
2002-03	Child Abduction and Recovery	Ch. 1399/76	13	\$ 15,960,547	\$ 999	\$ 15,959,548	\$ -	\$ -	\$ -	\$ 15,959,548
2002-03	Child Abuse Treatment Services Authorization and Case Management	Ch. 1090/96	196	\$ 254,775	\$ -	\$ 254,775	\$ -	\$ -	\$ -	\$ 254,775
2002-03	Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67	\$ 128,317	\$ 1,000	\$ 127,317	\$ -	\$ -	\$ -	\$ 127,317
2002-03	Coroner's Costs	Ch. 498/77	88	\$ 79,570	\$ 1,000	\$ 78,570	\$ -	\$ -	\$ -	\$ 78,570
2002-03	County Treasury Oversight Committee	Ch. 784/95	207	\$ 427,179	\$ -	\$ 427,179	\$ -	\$ -	\$ -	\$ 427,179
2002-03	Countywide Tax Rates	Ch. 921/87	90	\$ 180,073	\$ 871	\$ 179,202	\$ 129	\$ 129	\$ -	\$ 179,202
2002-03	Crime Victims' Rights	Ch. 411/95	158	\$ 403,295	\$ 975	\$ 402,320	\$ 25	\$ 25	\$ -	\$ 402,320
2002-03	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 335,776	\$ 995	\$ 334,781	\$ 5	\$ 5	\$ -	\$ 334,781
2002-03	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 5,979,253	\$ 945	\$ 5,978,308	\$ 34	\$ 34	\$ -	\$ 5,978,308
2002-03	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,504,720	\$ 999	\$ 2,503,721	\$ 1	\$ 1	\$ -	\$ 2,503,721
2002-03	Elder Abuse Training	Ch. 444/97	205	\$ 22,714	\$ -	\$ 22,714	\$ -	\$ -	\$ -	\$ 22,714
2002-03	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 3,729,935	\$ 993	\$ 3,728,942	\$ 7	\$ 7	\$ -	\$ 3,728,942
2002-03	Grand Jury Proceedings	Ch. 1170/96	227	\$ 2,066,250	\$ -	\$ 2,066,250	\$ -	\$ -	\$ -	\$ 2,066,250
2002-03	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 121,706,750	\$ 1,000	\$ 121,705,750	\$ -	\$ -	\$ -	\$ 121,705,750
2002-03	Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 323,124	\$ -	\$ 323,124	\$ -	\$ -	\$ -	\$ 323,124
2002-03	Investment Reports	Ch. 783/95	161	\$ 5,354,628	\$ 841	\$ 5,353,787	\$ 138	\$ 133	\$ 5	\$ 5,353,782
2002-03	Judicial Proceedings For Mentally Retarded Persons	Ch. 644/80	35	\$ 66,009	\$ 1,000	\$ 65,009	\$ -	\$ -	\$ -	\$ 65,009
2002-03	Mandate Reimbursement Process	Ch. 486/75	41	\$ 6,660,335	\$ 933	\$ 6,659,402	\$ 47	\$ 47	\$ -	\$ 6,659,402
2002-03	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 1,909,524	\$ -	\$ 1,909,524	\$ -	\$ -	\$ -	\$ 1,909,524
2002-03	Mentally Disordered Sex Offenders: Extended Commitment Proceedings	Ch. 1036/78	39	\$ 95,696	\$ 989	\$ 94,707	\$ 11	\$ 11	\$ -	\$ 94,707
2002-03	Misdemeanors: Booking and Fingerprinting	Ch. 1105/92	138	\$ 2,723,511	\$ -	\$ 2,723,511	\$ -	\$ -	\$ -	\$ 2,723,511
2002-03	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 1,566,598	\$ -	\$ 1,566,598	\$ -	\$ -	\$ -	\$ 1,566,598
2002-03	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 13,055,944	\$ 2,199,511	\$ 10,856,433	\$ 15,792	\$ 15,792	\$ -	\$ 10,856,433
2002-03	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 206,052	\$ 774	\$ 205,278	\$ 226	\$ 226	\$ -	\$ 205,278
2002-03	Peace Officers Cancer Presumption	Ch. 1171/89	118	\$ 1,290,053	\$ 997	\$ 1,289,056	\$ 3	\$ 3	\$ -	\$ 1,289,056
2002-03	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 15,747,770	\$ 915	\$ 15,746,855	\$ 78	\$ 78	\$ -	\$ 15,746,855
2002-03	Perinatal Services	Ch. 1603/90	124	\$ 1,111,542	\$ 498	\$ 1,111,044	\$ 501	\$ 501	\$ -	\$ 1,111,044
2002-03	Permanent Absent Voters	Ch. 1422/82	83	\$ 1,749,664	\$ -	\$ 1,749,664	\$ -	\$ -	\$ -	\$ 1,749,664
2002-03	Photographic Record of Evidence	Ch. 875/85	215	\$ 241,133	\$ -	\$ 241,133	\$ -	\$ -	\$ -	\$ 241,133
2002-03	Prisoner Parental Rights	Ch. 820/91	128	\$ 2,790,600	\$ 999	\$ 2,789,601	\$ 1	\$ 1	\$ -	\$ 2,789,601
2002-03	Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 255,024	\$ -	\$ 255,024	\$ -	\$ -	\$ -	\$ 255,024
2002-03	Redevelopment Agencies - Tax Disbursement Reporting	Ch. 39/98	245	\$ 8,394	\$ -	\$ 8,394	\$ -	\$ -	\$ -	\$ 8,394
2002-03	Regional Housing Need Determination	Ch. 1143/80	55	\$ 3,242,842	\$ -	\$ 3,242,842	\$ -	\$ -	\$ -	\$ 3,242,842

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2002-03	Search Warrant: AIDS	Ch. 1088/88	73	\$ 1,310,317	\$ 996	\$ 1,309,321	\$ 4	\$ 4	\$ -	\$ 1,309,321
2002-03	Senior Citizens Property Tax Postponement	Ch. 1242/77	18	\$ 230,252	\$ 997	\$ 229,255	\$ 3	\$ 3	\$ -	\$ 229,255
2002-03	Seriously Emotionally Disturbed (SED), Pupils: Out-of-									
2002-03	State Mental Health Services	Ch. 654/96	191	\$ 21,030,595	\$ 992	\$ 21,029,603	\$ 8	\$ 8	\$ -	\$ 21,029,603
2002-03	Sex Crime Confidentiality	Ch. 502/92	220	\$ 803,497	\$ -	\$ 803,497	\$ -	\$ -	\$ -	\$ 803,497
2002-03	Sex Offenders: Disclosure by Law Enforcement Officers (Megan's Law)	Ch. 908/96, 909/96	217	\$ 3,960,523	\$ -	\$ 3,960,523	\$ -	\$ -	\$ -	\$ 3,960,523
2002-03	Sexually Violent Predators	Ch. 762/95	175	\$ 11,865,771	\$ -	\$ 11,865,771	\$ -	\$ -	\$ -	\$ 11,865,771
2002-03	SIDS Training for Firefighters	Ch. 1111/89	180	\$ 63,176	\$ -	\$ 63,176	\$ -	\$ -	\$ -	\$ 63,176
2002-03	SIDS: Autopsy Protocols	Ch. 955/89	110	\$ 629,852	\$ 951	\$ 628,901	\$ 49	\$ 49	\$ -	\$ 628,901
2002-03	SIDS: Contact By Local Health Officers	Ch. 268/91	125	\$ 395,547	\$ 973	\$ 394,574	\$ 27	\$ 27	\$ -	\$ 394,574
2002-03	Stolen Vehicle Notification	Ch. 337/90	120	\$ 511,645	\$ 909	\$ 510,736	\$ 91	\$ 91	\$ -	\$ 510,736
2002-03	Very High Fire Hazard Severity Zones	Ch. 1188/92	181	\$ 177,184	\$ -	\$ 177,184	\$ -	\$ -	\$ -	\$ 177,184
2002-03	Voter Registration Procedures	Ch. 704/75	56	\$ 928,546	\$ -	\$ 928,546	\$ -	\$ -	\$ -	\$ 928,546
2002-03 Total				\$ 281,819,901	\$ 2,224,035	\$ 279,595,866	\$ 17,197	\$ 17,192	\$ 5	\$ 279,595,861
2001-02	Absentee Ballots	Ch. 77/78	2	\$ 11,238,372	\$ 5,873,491	\$ 5,364,881	\$ 433,509	\$ 433,509	\$ -	\$ 5,364,881
2001-02	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 8,252	\$ -	\$ 8,252	\$ -	\$ -	\$ -	\$ 8,252
2001-02	Allocation of Property Tax Revenues	Ch. 697/92	152	\$ 265,607	\$ 197,866	\$ 67,741	\$ 87,456	\$ 87,456	\$ -	\$ 67,741
2001-02	Animal Adoption	Ch. 752/98	213	\$ 15,364,538	\$ -	\$ 15,364,538	\$ -	\$ -	\$ -	\$ 15,364,538
2001-02	Child Abduction and Recovery	Ch. 1399/76	13	\$ 15,813,649	\$ 12,329,063	\$ 3,484,586	\$ 1,269,937	\$ 1,269,937	\$ -	\$ 3,484,586
2001-02	Child Abuse Treatment Services Authorization and Case Management	Ch. 1090/96	196	\$ 223,267	\$ -	\$ 223,267	\$ -	\$ -	\$ -	\$ 223,267
2001-02	Conservatorship: Developmentally Disabled Adults	Ch. 1304/80	67	\$ 131,924	\$ 103,000	\$ 28,924	\$ 20,511	\$ 20,511	\$ -	\$ 28,924
2001-02	County Treasury Oversight Committee	Ch. 784/95	207	\$ 399,060	\$ -	\$ 399,060	\$ -	\$ -	\$ -	\$ 399,060
2001-02	Countywide Tax Rates	Ch. 921/87	90	\$ 105,665	\$ 70,603	\$ 35,062	\$ 5,710	\$ 5,710	\$ -	\$ 35,062
2001-02	Crime Victims' Rights	Ch. 411/95	158	\$ 250,837	\$ 185,110	\$ 65,727	\$ 26,415	\$ 26,415	\$ -	\$ 65,727
2001-02	Developmentally Disabled: Attorneys' Services	Ch. 694/75	87	\$ 339,466	\$ 189,000	\$ 150,466	\$ -	\$ -	\$ -	\$ 150,466
2001-02	Domestic Violence Arrest Policies and Standards	Ch. 246/95	167	\$ 6,322,585	\$ 4,127,820	\$ 2,194,765	\$ 247,050	\$ 247,050	\$ -	\$ 2,194,765
2001-02	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,451,185	\$ 955,823	\$ 1,495,362	\$ 48,177	\$ 48,177	\$ -	\$ 1,495,362
2001-02	Elder Abuse Training	Ch. 444/97	205	\$ 66,641	\$ -	\$ 66,641	\$ -	\$ -	\$ -	\$ 66,641
2001-02	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 3,022,743	\$ 291,927	\$ 2,730,816	\$ 6,927	\$ 6,927	\$ -	\$ 2,730,816
2001-02	Grand Jury Proceedings	Ch. 1170/96	227	\$ 1,843,088	\$ -	\$ 1,843,088	\$ -	\$ -	\$ -	\$ 1,843,088
2001-02	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 101,247,740	\$ 46,876,924	\$ 54,370,816	\$ 67,076	\$ 67,076	\$ -	\$ 54,370,816
2001-02	Health Benefits for Survivors of Peace Officers and Firefighters	Ch. 1120/96	197	\$ 360,814	\$ -	\$ 360,814	\$ -	\$ -	\$ -	\$ 360,814
2001-02	Investment Reports	Ch. 783/95	161	\$ 6,155,995	\$ 3,234,817	\$ 2,921,178	\$ 214,181	\$ 211,632	\$ 2,549	\$ 2,918,629
2001-02	Mandate Reimbursement Process	Ch. 486/75	41	\$ 7,439,972	\$ 3,039,628	\$ 4,400,344	\$ 79,707	\$ 79,707	\$ -	\$ 4,400,344
2001-02	Mentally Disordered Offenders' Extended Commitment Proceedings	Ch. 1418/85	203	\$ 1,686,347	\$ -	\$ 1,686,347	\$ -	\$ -	\$ -	\$ 1,686,347
2001-02	Misdemeanors: Booking and Fingerprinting	Ch. 1105/92	138	\$ 2,254,752	\$ 343,177	\$ 1,911,575	\$ 678,810	\$ 678,810	\$ -	\$ 1,911,575
2001-02	Not Guilty by Reason of Insanity	Ch. 1114/79	200	\$ 1,414,676	\$ 291,657	\$ 1,123,019	\$ 16,343	\$ 16,343	\$ -	\$ 1,123,019
2001-02	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 13,790,702	\$ 2,865,951	\$ 10,924,751	\$ 66,087	\$ 66,087	\$ -	\$ 10,924,751
2001-02	Pacific Beach Safety: Water Quality and Closures	Ch. 961/92	122	\$ 183,179	\$ 51,474	\$ 131,705	\$ 18,661	\$ 18,661	\$ -	\$ 131,705
2001-02	Peace Officers Cancer Presumption	Ch. 1171/89	118	\$ 2,090,618	\$ 562,261	\$ 1,528,357	\$ 29,457	\$ 29,457	\$ -	\$ 1,528,357
2001-02	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 14,448,269	\$ -	\$ 14,448,269	\$ -	\$ -	\$ -	\$ 14,448,269

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2001-02	Perinatal Services	Ch. 1603/90	124	\$ 970,340	\$ 727,025	\$ 243,315	\$ 1,208,147	\$ 1,208,147	\$ -	\$ 243,315
2001-02	Permanent Absent Voters	Ch. 1422/82	83	\$ 1,203,466	\$ 327,388	\$ 876,078	\$ 7,612	\$ 7,612	\$ -	\$ 876,078
2001-02	Photographic Record of Evidence	Ch. 875/85	215	\$ 440,624	\$ -	\$ 440,624	\$ -	\$ -	\$ -	\$ 440,624
2001-02	Prisoner Parental Rights	Ch. 820/91	128	\$ 2,254,996	\$ 1,176,944	\$ 1,078,052	\$ 186,548	\$ 186,548	\$ -	\$ 1,078,052
2001-02	Rape Victim Counseling Center Notices	Ch. 999/91	127	\$ 288,849	\$ 127,255	\$ 161,594	\$ 30,632	\$ 30,632	\$ -	\$ 161,594
2001-02	Redevelopment Agencies - Tax Disbursement Reporting	Ch. 39/98	245	\$ 8,212	\$ -	\$ 8,212	\$ -	\$ -	\$ -	\$ 8,212
2001-02	Regional Housing Need Determination	Ch. 1143/80	55	\$ 4,276,504	\$ 735,764	\$ 3,540,740	\$ 114,232	\$ 114,232	\$ -	\$ 3,540,740
2001-02	Search Warrant: AIDS	Ch. 1088/88	73	\$ 1,194,438	\$ 839,862	\$ 354,576	\$ 88,138	\$ 88,138	\$ -	\$ 354,576
2001-02	Seriously Emotionally Disturbed (SED), Pupils: Out-of-State Mental Health Services	Ch. 654/96	191	\$ 15,007,547	\$ -	\$ 15,007,547	\$ -	\$ -	\$ -	\$ 15,007,547
2001-02	Sex Crime Confidentiality	Ch. 502/92	220	\$ 779,209	\$ -	\$ 779,209	\$ -	\$ -	\$ -	\$ 779,209
2001-02	Sex Offenders: Disclosure by Law Enforcement Officers (Megan's Law)	Ch. 908/96	217	\$ 5,741,239	\$ -	\$ 5,741,239	\$ -	\$ -	\$ -	\$ 5,741,239
2001-02	Sexually Violent Predators	Ch. 762/95	175	\$ 10,074,813	\$ 4,186,774	\$ 5,888,039	\$ 10,225	\$ 10,225	\$ -	\$ 5,888,039
2001-02	SIDS Training for Firefighters	Ch. 1111/89	180	\$ 105,056	\$ 32,152	\$ 72,904	\$ 4,175	\$ 4,175	\$ -	\$ 72,904
2001-02	SIDS: Autopsy Protocols	Ch. 955/89	110	\$ 845,703	\$ 496,206	\$ 349,497	\$ 12,560	\$ 12,560	\$ -	\$ 349,497
2001-02	SIDS: Contact By Local Health Officers	Ch. 268/91	125	\$ 441,364	\$ 243,856	\$ 197,508	\$ 27,451	\$ 27,451	\$ -	\$ 197,508
2001-02	Stolen Vehicle Notification	Ch. 337/90	120	\$ 459,916	\$ 213,009	\$ 246,907	\$ 43,206	\$ 43,206	\$ -	\$ 246,907
2001-02	Very High Fire Hazard Severity Zones	Ch. 1188/92	181	\$ 97,093	\$ 40,941	\$ 56,152	\$ 2,132	\$ 2,132	\$ -	\$ 56,152
2001-02	Voter Registration Procedures	Ch. 704/75	56	\$ 778,351	\$ -	\$ 778,351	\$ -	\$ -	\$ -	\$ 778,351
2001-02 Total				\$ 253,887,663	\$ 90,736,768	\$ 163,150,895	\$ 5,051,072	\$ 5,048,523	\$ 2,549	\$ 163,148,346
2000-01	Animal Adoption	Ch. 752/98	213	\$ 14,251,637	\$ 14,251,637	\$ -	\$ 3,593,852	\$ 1,009,521	\$ 2,584,331	\$ (2,584,331)
2000-01	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,252,430	\$ 2,215,840	\$ 36,590	\$ 383,170	\$ 383,170	\$ -	\$ 36,590
2000-01	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 1,250,611	\$ 1,250,611	\$ -	\$ 512,013	\$ 427,707	\$ 84,306	\$ (84,306)
2000-01	Grand Jury Proceedings	Ch. 1170/96	227	\$ 1,812,095	\$ 1,804,629	\$ 7,466	\$ -	\$ -	\$ -	\$ 7,466
2000-01	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 68,191,228	\$ 37,167,984	\$ 31,023,244	\$ 3,793,011	\$ 3,793,011	\$ -	\$ 31,023,244
2000-01	Open Meetings Act II	Ch. 641/86	202	\$ 14,995,599	\$ 14,994,266	\$ 1,333	\$ 1,106,187	\$ 1,106,173	\$ 14	\$ 1,319
2000-01	Open Meetings Act/Brown Act Reform	Ch. 641/86	219	\$ 689,947	\$ 689,947	\$ -	\$ 7,574	\$ 3,657	\$ 3,917	\$ (3,917)
2000-01	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 14,671,757	\$ 2,787,000	\$ 11,884,757	\$ 5,245,281	\$ 1,653,468	\$ 3,591,813	\$ 8,292,944
2000-01	Seriously Emotionally Disturbed (SED), Pupils: Out-of-State Mental Health Services	Ch. 654/96	191	\$ 9,999,179	\$ 248,697	\$ 9,750,482	\$ 614	\$ 614	\$ -	\$ 9,750,482
2000-01	Sexually Violent Predators	Ch. 762/95	175	\$ 8,540,313	\$ 8,379,743	\$ 160,570	\$ 510,604	\$ 510,604	\$ -	\$ 160,570
2000-01 Total				\$ 136,654,796	\$ 83,790,354	\$ 52,864,442	\$ 15,152,306	\$ 8,887,925	\$ 6,264,381	\$ 46,600,061
1999-00	Absentee Ballots: Tabulation by Precinct	Ch. 697/99	248	\$ 28,513	\$ 23,714	\$ 4,799	\$ -	\$ -	\$ -	\$ 4,799
1999-00	Animal Adoption	Ch. 752/98	213	\$ 13,567,069	\$ 13,566,554	\$ 515	\$ 3,522,285	\$ 1,749,440	\$ 1,772,845	\$ (1,772,330)
1999-00	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 2,061,037	\$ 2,023,558	\$ 37,479	\$ 587,701	\$ 587,701	\$ -	\$ 37,479
1999-00	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 1,091,963	\$ 1,091,963	\$ -	\$ 136,139	\$ 104,705	\$ 31,434	\$ (31,434)
1999-00	Grand Jury Proceedings	Ch. 1170/96	227	\$ 1,595,325	\$ 1,587,332	\$ 7,993	\$ -	\$ -	\$ -	\$ 7,993
1999-00	Mandate Reimbursement Process	Ch. 486/75	41	\$ 5,248,034	\$ 5,248,034	\$ -	\$ 115,251	\$ 114,140	\$ 1,111	\$ (1,111)
1999-00	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 14,478,554	\$ 4,461,386	\$ 10,017,168	\$ 5,889,090	\$ 5,852,305	\$ 36,785	\$ 9,980,383
1999-00	Perinatal Services	Ch. 1603/90	124	\$ 811,698	\$ 811,698	\$ -	\$ 1,488,386	\$ 1,402,610	\$ 85,776	\$ (85,776)
1999-00	Seriously Emotionally Disturbed (SED), Pupils: Out-of-State Mental Health Services	Ch. 654/96	191	\$ 6,346,409	\$ 249,312	\$ 6,097,097	\$ -	\$ -	\$ -	\$ 6,097,097
1999-00	Sexually Violent Predators	Ch. 762/95	175	\$ 8,243,006	\$ 8,224,593	\$ 18,413	\$ 952,022	\$ 952,022	\$ -	\$ 18,413

State Mandated Programs for Fiscal Year 2003-04 and Prior Years
Schedule B2: Local Agencies for 15-year Payment Plan Pursuant to Proposition 1A
Proposition 1A specifies that all claims must be paid by fiscal year 2020-21

State Controller's Office
Division of Accounting and Reporting
State Mandated Programs by Fiscal Year 2003-04 and Prior Years
Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
1999-00	SIDS Training for Firefighters	Ch. 1111/89	180	\$ 105,659	\$ 105,659	\$ -	\$ 14,707	\$ 13,726	\$ 981	\$ (981)
1999-00 Total				\$ 53,577,267	\$ 37,393,803	\$ 16,183,464	\$ 12,705,581	\$ 10,776,649	\$ 1,928,932	\$ 14,254,532
1998-99	Animal Adoption	Ch. 752/98	213	\$ 2,531,909	\$ 2,531,909	\$ -	\$ 1,329,182	\$ 918,343	\$ 410,839	\$ (410,839)
1998-99	Domestic Violence Treatment Services - Authorization and Case Management	Ch. 183/92	177	\$ 1,860,575	\$ 1,833,763	\$ 26,812	\$ 215,643	\$ 215,643	\$ -	\$ 26,812
1998-99	Investment Reports	Ch. 783/95	161	\$ 4,004,788	\$ 4,004,788	\$ -	\$ 38,458	\$ 27,831	\$ 10,627	\$ (10,627)
1998-99	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 14,470,188	\$ 3,439,305	\$ 11,030,883	\$ 5,357,016	\$ 5,267,106	\$ 89,910	\$ 10,940,973
1998-99	Regional Housing Need Determination	Ch. 1143/80	55	\$ 1,323,819	\$ 1,323,819	\$ -	\$ 647,104	\$ 481,403	\$ 165,701	\$ (165,701)
1998-99	Seriously Emotionally Disturbed (SED), Pupils: Out-of-State Mental Health Services	Ch. 654/96	191	\$ 4,900,892	\$ 249,311	\$ 4,651,581	\$ -	\$ -	\$ -	\$ 4,651,581
1998-99 Total				\$ 29,092,171	\$ 13,382,895	\$ 15,709,276	\$ 7,587,403	\$ 6,910,326	\$ 677,077	\$ 15,032,199
1997-98	Investment Reports	Ch. 783/95	161	\$ 3,081,640	\$ 3,056,657	\$ 24,983	\$ 51,089	\$ 42,955	\$ 8,134	\$ 16,849
1997-98	Mandate Reimbursement Process	Ch. 486/75	41	\$ 3,841,394	\$ 3,841,394	\$ -	\$ 230,325	\$ 226,466	\$ 3,859	\$ (3,859)
1997-98	Open Meetings Act II	Ch. 641/86	202	\$ 5,881,449	\$ 5,875,788	\$ 5,661	\$ 11,613	\$ 11,613	\$ -	\$ 5,661
1997-98	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 12,868,309	\$ 3,269,388	\$ 9,598,921	\$ 3,359,034	\$ 3,359,034	\$ -	\$ 9,598,921
1997-98 Total				\$ 25,672,792	\$ 16,043,227	\$ 9,629,565	\$ 3,652,061	\$ 3,640,068	\$ 11,993	\$ 9,617,572
1996-97	Absentee Ballots	Ch. 77/78	2	\$ 9,365,007	\$ 9,153,177	\$ 211,830	\$ 1,825,441	\$ 1,825,441	\$ -	\$ 211,830
1996-97	Investment Reports	Ch. 783/95	161	\$ 780,221	\$ 691,464	\$ 88,757	\$ 9,532	\$ 9,532	\$ -	\$ 88,757
1996-97	Mandate Reimbursement Process	Ch. 486/75	41	\$ 3,560,480	\$ 3,560,480	\$ -	\$ 319,940	\$ 319,763	\$ 177	\$ (177)
1996-97	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 13,976,967	\$ 3,578,658	\$ 10,398,309	\$ 2,223,826	\$ 2,221,701	\$ 2,125	\$ 10,396,184
1996-97 Total				\$ 27,682,675	\$ 16,983,779	\$ 10,698,896	\$ 4,378,739	\$ 4,376,437	\$ 2,302	\$ 10,696,594
1995-96	Investment Reports	Ch. 783/95	161	\$ 488,976	\$ 444,107	\$ 44,869	\$ 5,046	\$ 5,046	\$ -	\$ 44,869
1995-96	Mandate Reimbursement Process	Ch. 486/75	41	\$ 2,968,144	\$ 2,968,144	\$ -	\$ 661,263	\$ 657,638	\$ 3,625	\$ (3,625)
1995-96	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 12,271,952	\$ 3,172,303	\$ 9,099,649	\$ 2,521,286	\$ 2,500,771	\$ 20,515	\$ 9,079,134
1995-96	SIDS Training for Firefighters	Ch. 1111/89	180	\$ 123,317	\$ 123,317	\$ -	\$ 1,171	\$ 711	\$ 460	\$ (460)
1995-96 Total				\$ 15,852,389	\$ 6,707,871	\$ 9,144,518	\$ 3,188,766	\$ 3,164,166	\$ 24,600	\$ 9,119,918
1994-95	Business Tax Reporting Requirement	Ch. 1490/84	7	\$ 4,719,935	\$ 4,719,935	\$ -	\$ 130,777	\$ 123,277	\$ 7,500	\$ (7,500)
1994-95	Mandate Reimbursement Process	Ch. 486/75	41	\$ 3,097,183	\$ 3,079,535	\$ 17,648	\$ 201,105	\$ 199,020	\$ 2,085	\$ 15,563
1994-95	Peace Officers Procedural Bill of Rights	Ch. 465/76	187	\$ 10,018,968	\$ 2,476,091	\$ 7,542,877	\$ 2,220,331	\$ 2,174,712	\$ 45,619	\$ 7,497,258
1994-95 Total				\$ 17,836,086	\$ 10,275,561	\$ 7,560,525	\$ 2,552,213	\$ 2,497,009	\$ 55,204	\$ 7,505,321
1992-93	Firefighters' Cancer Presumption	Ch. 1568/82	23	\$ 492,467	\$ 492,209	\$ 258	\$ 48,175	\$ 48,175	\$ -	\$ 258
1992-93	Personal Alarm Devices	Ttl.8	24	\$ 722,127	\$ 722,127	\$ -	\$ 2,253	\$ -	\$ 2,253	\$ (2,253)
1992-93	SIDS: Autopsy Protocols	Ch. 955/89	110	\$ 898,522	\$ 897,729	\$ 793	\$ 793	\$ 793	\$ -	\$ 793
1992-93 Total				\$ 2,113,116	\$ 2,112,065	\$ 1,051	\$ 51,221	\$ 48,968	\$ 2,253	\$ (1,202)
1991-92	Mandate Reimbursement Process	Ch. 486/75	41	\$ 2,102,143	\$ 2,102,143	\$ -	\$ 153,432	\$ 109,451	\$ 43,981	\$ (43,981)
1991-92	Structural and Wildland Firefighter Safety Clothing and Equipment	Ttl 8 Cal Code	64	\$ 7,347,344	\$ 7,347,344	\$ -	\$ 293,279	\$ 284,557	\$ 8,722	\$ (8,722)
1991-92 Total				\$ 9,449,487	\$ 9,449,487	\$ -	\$ 446,711	\$ 394,008	\$ 52,703	\$ (52,703)
1990-91	Handicapped and Disabled Students	Ch. 1747/84	111	\$ 14,952,686	\$ 14,840,118	\$ 112,568	\$ 3,649,063	\$ 3,649,063	\$ -	\$ 112,568
1990-91 Total				\$ 14,952,686	\$ 14,840,118	\$ 112,568	\$ 3,649,063	\$ 3,649,063	\$ -	\$ 112,568
Grand Total				\$ 1,031,763,361	\$ 303,939,963	\$ 727,823,398	\$ 58,432,333	\$ 49,410,334	\$ 9,021,999	\$ 718,801,399

Schedule B3: School Districts

State Controller's Office
Division of Accounting and Reporting
State Mandated Programs by Fiscal Year 2010-11 and Prior Years
Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2010-11	Academic Performance Index	Ch. 695/00	305	\$ 383,245	\$ -	\$ 383,245	\$ -	\$ -	\$ -	\$ 383,245
2010-11	Agency Fee Arrangements	Ch. 893/00	269	\$ 8,679	\$ 1,000	\$ 7,679	\$ -	\$ -	\$ -	\$ 7,679
2010-11	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,300,948	\$ 1,000	\$ 1,299,948	\$ -	\$ -	\$ -	\$ 1,299,948
2010-11	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 48,564	\$ 1,000	\$ 47,564	\$ -	\$ -	\$ -	\$ 47,564
2010-11	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 507,658	\$ 1,000	\$ 506,658	\$ -	\$ -	\$ -	\$ 506,658
2010-11	Charter Schools I, II, III	Ch. 781/92	278	\$ 1,863,628	\$ 1,000	\$ 1,862,628	\$ -	\$ -	\$ -	\$ 1,862,628
2010-11	Child Abuse and Neglect Reporting	Ch. 640/87	309	\$ 13,640	\$ -	\$ 13,640	\$ -	\$ -	\$ -	\$ 13,640
2010-11	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 19,800,707	\$ 1,000	\$ 19,799,707	\$ -	\$ -	\$ -	\$ 19,799,707
2010-11	Comprehensive School Safety Plans I and II	Ch. 736/97; Ch. 996/99	313	\$ 3,175,858	\$ 1,000	\$ 3,174,858	\$ -	\$ -	\$ -	\$ 3,174,858
2010-11	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 9,407,102	\$ 1,000	\$ 9,406,102	\$ -	\$ -	\$ -	\$ 9,406,102
2010-11	Consolidation of Law Enforcement Agency Notification and Missing Children Reports	Ch. 1117/89	276	\$ 930,888	\$ 1,000	\$ 929,888	\$ -	\$ -	\$ -	\$ 929,888
2010-11	Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 7,713,953	\$ 1,000	\$ 7,712,953	\$ -	\$ -	\$ -	\$ 7,712,953
2010-11	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 300,245	\$ 1,000	\$ 299,245	\$ -	\$ -	\$ -	\$ 299,245
2010-11	Criminal Background Checks	Ch. 588/97	183	\$ 470,619	\$ 1,000	\$ 469,619	\$ -	\$ -	\$ -	\$ 469,619
2010-11	Criminal Background Checks II	Ch. 594/98	251	\$ 437,598	\$ 1,000	\$ 436,598	\$ -	\$ -	\$ -	\$ 436,598
2010-11	Differential Pay and Reemployment	Ch. 30/98	253	\$ 7,611	\$ 1,000	\$ 6,611	\$ -	\$ -	\$ -	\$ 6,611
2010-11	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 15,135	\$ -	\$ 15,135	\$ -	\$ -	\$ -	\$ 15,135
2010-11	Financial and Compliance Audits	Ch. 36/77	192	\$ 280,193	\$ 1,000	\$ 279,193	\$ -	\$ -	\$ -	\$ 279,193
2010-11	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 265,330,232	\$ -	\$ 265,330,232	\$ -	\$ -	\$ -	\$ 265,330,232
2010-11	Habitual Truant	Ch. 1184/75	166	\$ 6,217,479	\$ 1,000	\$ 6,216,479	\$ -	\$ -	\$ -	\$ 6,216,479
2010-11	High School Exit Examination	Ch. 1/99	268	\$ 6,642,005	\$ 1,000	\$ 6,641,005	\$ -	\$ -	\$ -	\$ 6,641,005
2010-11	Immunization Records	Ch. 1176/77	32	\$ 4,525,744	\$ 1,000	\$ 4,524,744	\$ -	\$ -	\$ -	\$ 4,524,744
2010-11	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,645,071	\$ 1,000	\$ 5,644,071	\$ -	\$ -	\$ -	\$ 5,644,071
2010-11	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 418,219	\$ -	\$ 418,219	\$ -	\$ -	\$ -	\$ 418,219
2010-11	Intradistrict Attendance	Ch. 161/93	153	\$ 4,425,722	\$ 1,000	\$ 4,424,722	\$ -	\$ -	\$ -	\$ 4,424,722
2010-11	Juvenile Court Notices II	Ch. 1423/84	155	\$ 965,763	\$ 1,000	\$ 964,763	\$ -	\$ -	\$ -	\$ 964,763
2010-11	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,099,910	\$ 1,000	\$ 16,098,910	\$ -	\$ -	\$ -	\$ 16,098,910
2010-11	Notification of Truancy	Ch. 498/83	48	\$ 23,913,167	\$ 1,000	\$ 23,912,167	\$ -	\$ -	\$ -	\$ 23,912,167
2010-11	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 3,562,434	\$ 1,000	\$ 3,561,434	\$ -	\$ -	\$ -	\$ 3,561,434
2010-11	Physical Education Reports	Ch. 640/97	195	\$ 9,000	\$ -	\$ 9,000	\$ -	\$ -	\$ -	\$ 9,000
2010-11	Physical Performance Tests	Ch. 975/95	173	\$ 1,560,148	\$ 1,000	\$ 1,559,148	\$ -	\$ -	\$ -	\$ 1,559,148
2010-11	Prevailing Wage Rate	Ch. 1249/78	304	\$ 201,323	\$ 1,000	\$ 200,323	\$ -	\$ -	\$ -	\$ 200,323
2010-11	Pupil Health Screenings	Ch. 1208/76	261	\$ 789,180	\$ 1,000	\$ 788,180	\$ -	\$ -	\$ -	\$ 788,180
2010-11	Pupil Promotion and Retention	Ch. 100/91	244	\$ 1,890,716	\$ 1,000	\$ 1,889,716	\$ -	\$ -	\$ -	\$ 1,889,716
2010-11	Pupil Residency Verification and Appeals	Ch. 309/95	182	\$ 10,283	\$ -	\$ 10,283	\$ -	\$ -	\$ -	\$ 10,283

State Controller's Office
Division of Accounting and Reporting
State Mandated Programs by Fiscal Year 2010-11 and Prior Years
Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2010-11	Pupil Safety Notices	Ch. 498/83	280	\$ 119,811	\$ 1,000	\$ 118,811	\$ -	\$ -	\$ -	\$ 118,811
2010-11	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 4,802,682	\$ 1,000	\$ 4,801,682	\$ -	\$ -	\$ -	\$ 4,801,682
2010-11	Removal of Chemicals	Ch. 1107/84	57	\$ 89,704	\$ -	\$ 89,704	\$ -	\$ -	\$ -	\$ 89,704
2010-11	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,654,644	\$ 1,000	\$ 2,653,644	\$ -	\$ -	\$ -	\$ 2,653,644
2010-11	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 3,195,555	\$ 1,000	\$ 3,194,555	\$ -	\$ -	\$ -	\$ 3,194,555
2010-11	School District Reorganization	Ch. 1192/80	228	\$ 7,405	\$ 1,000	\$ 6,405	\$ -	\$ -	\$ -	\$ 6,405
2010-11	Scoliosis Screening	Ch. 1347/80	58	\$ 205,106	\$ -	\$ 205,106	\$ -	\$ -	\$ -	\$ 205,106
2010-11	Student Records	Ch. 593/89	308	\$ 242,733	\$ -	\$ 242,733	\$ -	\$ -	\$ -	\$ 242,733
2010-11	The Stull Act	Ch. 498/83	260	\$ 17,985,103	\$ 1,000	\$ 17,984,103	\$ -	\$ -	\$ -	\$ 17,984,103
2010-11 Total				\$ 418,175,410	\$ 34,000	\$ 418,141,410	\$ -	\$ -	\$ -	\$ 418,141,410
2009-10	Academic Performance Index	Ch. 695/00	305	\$ 165,265	\$ -	\$ 165,265	\$ -	\$ -	\$ -	\$ 165,265
2009-10	Agency Fee Arrangements	Ch. 893/00	269	\$ 12,470	\$ 9,355	\$ 3,115	\$ -	\$ -	\$ -	\$ 3,115
2009-10	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,382,762	\$ 1,292,997	\$ 89,765	\$ -	\$ -	\$ -	\$ 89,765
2009-10	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 490,948	\$ 488,623	\$ 2,325	\$ -	\$ -	\$ -	\$ 2,325
2009-10	Charter Schools I, II, III	Ch. 781/92	278	\$ 2,836,753	\$ 1,306,000	\$ 1,530,753	\$ -	\$ -	\$ -	\$ 1,530,753
2009-10	Child Abuse and Neglect Reporting	Ch. 640/87	309	\$ 10,638	\$ -	\$ 10,638	\$ -	\$ -	\$ -	\$ 10,638
2009-10	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 23,262,632	\$ 1,783,147	\$ 21,479,485	\$ 5,853	\$ 2,133	\$ 3,720	\$ 21,475,765
2009-10	Comprehensive School Safety Plans I and II	Ch. 736/97; Ch. 996/99	313	\$ 3,339,644	\$ 2,996,282	\$ 343,362	\$ -	\$ -	\$ -	\$ 343,362
2009-10	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 9,246,935	\$ 8,843,988	\$ 402,947	\$ -	\$ -	\$ -	\$ 402,947
2009-10	Consolidation of Law Enforcement Agency Notification and Missing Children Reports	Ch. 1117/89	276	\$ 824,608	\$ 1,000	\$ 823,608	\$ -	\$ -	\$ -	\$ 823,608
2009-10	Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 8,776,032	\$ 6,622,523	\$ 2,153,509	\$ 33,477	\$ 5,484	\$ 27,993	\$ 2,125,516
2009-10	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 337,987	\$ 282,000	\$ 55,987	\$ -	\$ -	\$ -	\$ 55,987
2009-10	Criminal Background Checks	Ch. 588/97	183	\$ 444,298	\$ 411,866	\$ 32,432	\$ -	\$ -	\$ -	\$ 32,432
2009-10	Criminal Background Checks II	Ch. 594/98	251	\$ 382,165	\$ 303,000	\$ 79,165	\$ -	\$ -	\$ -	\$ 79,165
2009-10	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 12,754	\$ 1,000	\$ 11,754	\$ -	\$ -	\$ -	\$ 11,754
2009-10	Financial and Compliance Audits	Ch. 36/77	192	\$ 312,270	\$ 303,505	\$ 8,765	\$ -	\$ -	\$ -	\$ 8,765
2009-10	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 268,157,436	\$ 1,000	\$ 268,156,436	\$ -	\$ -	\$ -	\$ 268,156,436
2009-10	Habitual Truant	Ch. 1184/75	166	\$ 6,257,553	\$ 1,383,000	\$ 4,874,553	\$ -	\$ -	\$ -	\$ 4,874,553
2009-10	High School Exit Examination	Ch. 1/99	268	\$ 7,419,164	\$ 5,775,998	\$ 1,643,166	\$ -	\$ -	\$ -	\$ 1,643,166
2009-10	Immunization Records	Ch. 1176/77	32	\$ 4,668,681	\$ 3,802,000	\$ 866,681	\$ -	\$ -	\$ -	\$ 866,681
2009-10	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,705,616	\$ 4,600,235	\$ 1,105,381	\$ 173	\$ 173	\$ -	\$ 1,105,381
2009-10	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 448,120	\$ -	\$ 448,120	\$ -	\$ -	\$ -	\$ 448,120
2009-10	Intradistrict Attendance	Ch. 161/93	153	\$ 4,394,453	\$ 3,396,996	\$ 997,457	\$ -	\$ -	\$ -	\$ 997,457
2009-10	Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,071,881	\$ 993,861	\$ 78,020	\$ -	\$ -	\$ -	\$ 78,020

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2009-10	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,547,869	\$ 995	\$ 16,546,874	\$ 5	\$ 1	\$ 4	\$ 16,546,870
2009-10	Notification of Truancy	Ch. 498/83	48	\$ 18,676,860	\$ 3,645,000	\$ 15,031,860	\$ -	\$ -	\$ -	\$ 15,031,860
2009-10	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 3,729,137	\$ -	\$ 3,729,137	\$ -	\$ -	\$ -	\$ 3,729,137
2009-10	Physical Education Reports	Ch. 640/97	195	\$ 10,552	\$ 1,000	\$ 9,552	\$ -	\$ -	\$ -	\$ 9,552
2009-10	Physical Performance Tests	Ch. 975/95	173	\$ 1,540,395	\$ 1,455,607	\$ 84,788	\$ 1,826	\$ 1,826	\$ -	\$ 84,788
2009-10	Prevailing Wage Rate	Ch. 1249/78	304	\$ 22,223	\$ -	\$ 22,223	\$ -	\$ -	\$ -	\$ 22,223
2009-10	Pupil Health Screenings	Ch. 1208/76	261	\$ 906,604	\$ 746,761	\$ 159,843	\$ -	\$ -	\$ -	\$ 159,843
2009-10	Pupil Promotion and Retention	Ch. 100/91	244	\$ 2,767,841	\$ 1,073,998	\$ 1,693,843	\$ -	\$ -	\$ -	\$ 1,693,843
2009-10	Pupil Residency Verification and Appeals	Ch. 309/95	182	\$ 113,910	\$ 981	\$ 112,929	\$ 19	\$ 19	\$ -	\$ 112,929
2009-10	Pupil Safety Notices	Ch. 498/83	280	\$ 118,719	\$ 72,000	\$ 46,719	\$ -	\$ -	\$ -	\$ 46,719
2009-10	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 5,414,487	\$ 5,174,605	\$ 239,882	\$ 30,395	\$ -	\$ 30,395	\$ 209,487
2009-10	Removal of Chemicals	Ch. 1107/84	57	\$ 973,526	\$ 1,000	\$ 972,526	\$ -	\$ -	\$ -	\$ 972,526
2009-10	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,365,488	\$ -	\$ 2,365,488	\$ -	\$ -	\$ -	\$ 2,365,488
2009-10	School District Fiscal Accountability Reporting and									
2009-10	Employee Benefits Disclosure	Ch. 100/81	258	\$ 3,461,835	\$ 2,666,881	\$ 794,954	\$ -	\$ -	\$ -	\$ 794,954
2009-10	School District Reorganization	Ch. 1192/80	228	\$ 1,019	\$ 1,000	\$ 19	\$ -	\$ -	\$ -	\$ 19
2009-10	Scoliosis Screening	Ch. 1347/80	58	\$ 3,292,644	\$ 1,000	\$ 3,291,644	\$ -	\$ -	\$ -	\$ 3,291,644
2009-10	Student Records	Ch. 593/89	308	\$ 224,162	\$ -	\$ 224,162	\$ -	\$ -	\$ -	\$ 224,162
2009-10	The Stull Act	Ch. 498/83	260	\$ 19,781,136	\$ 18,244,203	\$ 1,536,933	\$ -	\$ -	\$ -	\$ 1,536,933
2009-10 Total				\$ 429,909,472	\$ 77,683,407	\$ 352,226,065	\$ 71,748	\$ 9,636	\$ 62,112	\$ 352,163,953
2008-09	Academic Performance Index	Ch. 695/00	305	\$ 125,080	\$ -	\$ 125,080	\$ -	\$ -	\$ -	\$ 125,080
2008-09	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,582,037	\$ 1,582,037	\$ -	\$ 5,161	\$ 4,112	\$ 1,049	\$ (1,049)
2008-09	California State Teachers' Retirement System (CalSTRS)									
2008-09	Service Credit	Ch. 603/94	286	\$ 103,369	\$ 84,999	\$ 18,370	\$ -	\$ -	\$ -	\$ 18,370
2008-09	Caregiver Affidavits to Establish Residence for School									
2008-09	Attendance	Ch. 98/94	172	\$ 614,283	\$ 598,478	\$ 15,805	\$ 1,120	\$ 1,120	\$ -	\$ 15,805
2008-09	Charter Schools I, II, III	Ch. 781/92	278	\$ 2,559,473	\$ 1,367,020	\$ 1,192,453	\$ -	\$ -	\$ -	\$ 1,192,453
2008-09	Collective Bargaining and Collective Bargaining									
2008-09	Agreement Disclosure	Ch. 961/75	11	\$ 22,160,127	\$ 2,713,539	\$ 19,446,588	\$ 20,789	\$ 12,350	\$ 8,439	\$ 19,438,149
2008-09	Comprehensive School Safety Plans	Ch. 736/97	223	\$ 4,143,100	\$ 3,647,550	\$ 495,550	\$ 7,808	\$ 5,918	\$ 1,890	\$ 493,660
2008-09	Comprehensive School Safety Plans II: Discrimination and Harassment Policy, and Hate Crime Reporting Procedures	Ch. 890/01; Ch. 506/02	311	\$ 3,616	\$ -	\$ 3,616	\$ -	\$ -	\$ -	\$ 3,616
2008-09	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 10,098,477	\$ 10,092,640	\$ 5,837	\$ 865,406	\$ 11,587	\$ 853,819	\$ (847,982)
2008-09	Consolidation of Law Enforcement Agency Notification and Missing Children Reports	Ch. 1117/89	276	\$ 891,533	\$ -	\$ 891,533	\$ -	\$ -	\$ -	\$ 891,533
2008-09	Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion and Pupil Discipline Records, Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 1306/89	292	\$ 8,511,984	\$ 7,659,423	\$ 852,561	\$ 1,049	\$ -	\$ 1,049	\$ 851,512
2008-09	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 346,268	\$ 285,499	\$ 60,769	\$ -	\$ -	\$ -	\$ 60,769
2008-09	Criminal Background Checks	Ch. 588/97	183	\$ 697,267	\$ 663,358	\$ 33,909	\$ 825	\$ 825	\$ -	\$ 33,909
2008-09	Criminal Background Checks II	Ch. 594/98	251	\$ 368,652	\$ 355,003	\$ 13,649	\$ 1,055	\$ -	\$ 1,055	\$ 12,594

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2008-09	Differential Pay and Reemployment	Ch. 30/98	253	\$ 2,996	\$ 2,000	\$ 996	\$ -	\$ -	\$ -	\$ 996
2008-09	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 13,929	\$ -	\$ 13,929	\$ -	\$ -	\$ -	\$ 13,929
2008-09	Financial and Compliance Audits	Ch. 36/77	192	\$ 439,129	\$ 373,791	\$ 65,338	\$ 2,175	\$ -	\$ 2,175	\$ 63,163
2008-09	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 261,471,058	\$ 52,675	\$ 261,418,383	\$ -	\$ -	\$ -	\$ 261,418,383
2008-09	Habitual Truant	Ch. 1184/75	166	\$ 6,805,634	\$ 1,452,088	\$ 5,353,546	\$ 1,233	\$ -	\$ 1,233	\$ 5,352,313
2008-09	High School Exit Examination	Ch. 1/99	268	\$ 7,755,202	\$ 5,776,234	\$ 1,978,968	\$ -	\$ -	\$ -	\$ 1,978,968
2008-09	Immunization Records	Ch. 1176/77	32	\$ 4,662,828	\$ 4,614,045	\$ 48,783	\$ 15,736	\$ 1,119	\$ 14,617	\$ 34,166
2008-09	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,708,071	\$ 5,507,176	\$ 200,895	\$ 9,336	\$ 2,366	\$ 6,970	\$ 193,925
2008-09	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 363,201	\$ -	\$ 363,201	\$ -	\$ -	\$ -	\$ 363,201
2008-09	Intradistrict Attendance	Ch. 161/93	153	\$ 4,431,609	\$ 3,607,488	\$ 824,121	\$ 12,323	\$ 8,157	\$ 4,166	\$ 819,955
2008-09	Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,256,537	\$ 1,094,166	\$ 162,371	\$ -	\$ -	\$ -	\$ 162,371
2008-09	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,990,141	\$ 4,536	\$ 16,985,605	\$ -	\$ -	\$ -	\$ 16,985,605
2008-09	National Norm-Referenced Achievement Test (formerly Standardized Testing and Reporting (STAR))	Ch. 828/97	265	\$ 65,051	\$ -	\$ 65,051	\$ -	\$ -	\$ -	\$ 65,051
2008-09	Notification of Truancy	Ch. 498/83	48	\$ 17,448,872	\$ 4,028,307	\$ 13,420,565	\$ 1,150	\$ -	\$ 1,150	\$ 13,419,415
2008-09	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 3,808,780	\$ 10,302	\$ 3,798,478	\$ -	\$ -	\$ -	\$ 3,798,478
2008-09	Physical Education Reports	Ch. 640/97	195	\$ 4,262	\$ -	\$ 4,262	\$ -	\$ -	\$ -	\$ 4,262
2008-09	Physical Performance Tests	Ch. 975/95	173	\$ 1,813,841	\$ 1,809,170	\$ 4,671	\$ 4,260	\$ 1,109	\$ 3,151	\$ 1,520
2008-09	Prevailing Wage Rate	Ch. 1249/78	304	\$ 89,256	\$ -	\$ 89,256	\$ -	\$ -	\$ -	\$ 89,256
2008-09	Pupil Health Screenings	Ch. 1208/76	261	\$ 927,647	\$ 804,471	\$ 123,176	\$ 12,411	\$ 10,089	\$ 2,322	\$ 120,854
2008-09	Pupil Promotion and Retention	Ch. 100/91	244	\$ 3,165,880	\$ 1,119,074	\$ 2,046,806	\$ 471	\$ 471	\$ -	\$ 2,046,806
2008-09	Pupil Residency Verification and Appeals	Ch. 309/95	182	\$ 109,517	\$ -	\$ 109,517	\$ -	\$ -	\$ -	\$ 109,517
2008-09	Pupil Safety Notices	Ch. 498/83	280	\$ 87,954	\$ 75,760	\$ 12,194	\$ -	\$ -	\$ -	\$ 12,194
2008-09	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 6,359,105	\$ 5,670,909	\$ 688,196	\$ 203,356	\$ 203,356	\$ -	\$ 688,196
2008-09	Removal of Chemicals	Ch. 1107/84	57	\$ 1,148,847	\$ -	\$ 1,148,847	\$ -	\$ -	\$ -	\$ 1,148,847
2008-09	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,152,482	\$ 2,255	\$ 2,150,227	\$ -	\$ -	\$ -	\$ 2,150,227
2008-09	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 3,369,668	\$ 33,027	\$ 3,336,641	\$ -	\$ -	\$ -	\$ 3,336,641
2008-09	Scoliosis Screening	Ch. 1347/80	58	\$ 3,305,227	\$ 8,159	\$ 3,297,068	\$ -	\$ -	\$ -	\$ 3,297,068
2008-09	Student Records	Ch. 593/89	308	\$ 135,845	\$ -	\$ 135,845	\$ -	\$ -	\$ -	\$ 135,845
2008-09	The Stull Act	Ch. 498/83	260	\$ 23,045,261	\$ 20,001,947	\$ 3,043,314	\$ 31,751	\$ 22,292	\$ 9,459	\$ 3,033,855
2008-09 Total				\$ 429,143,096	\$ 85,097,126	\$ 344,045,970	\$ 1,197,415	\$ 284,871	\$ 912,544	\$ 343,133,426
2007-08	Absentee Ballots	Ch. 77/78	170	\$ 19,654	\$ 1,000	\$ 18,654	\$ -	\$ -	\$ -	\$ 18,654
2007-08	Academic Performance Index	Ch. 695/00	305	\$ 117,677	\$ -	\$ 117,677	\$ -	\$ -	\$ -	\$ 117,677
2007-08	Agency Fee Arrangements	Ch. 893/00	269	\$ 5,267	\$ -	\$ 5,267	\$ -	\$ -	\$ -	\$ 5,267
2007-08	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,709,778	\$ 993	\$ 1,708,785	\$ 7	\$ 4	\$ 3	\$ 1,708,782
2007-08	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 72,259	\$ -	\$ 72,259	\$ -	\$ -	\$ -	\$ 72,259
2007-08	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 624,944	\$ 2,327	\$ 622,617	\$ -	\$ -	\$ -	\$ 622,617
2007-08	Charter Schools I, II, III	Ch. 781/92	278	\$ 1,740,107	\$ 34,978	\$ 1,705,129	\$ -	\$ -	\$ -	\$ 1,705,129
2007-08	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 24,970,299	\$ 152,919	\$ 24,817,380	\$ 2	\$ -	\$ 2	\$ 24,817,378
2007-08	Comprehensive School Safety Plans	Ch. 736/97	223	\$ 4,039,484	\$ 11,297	\$ 4,028,187	\$ 3	\$ -	\$ 3	\$ 4,028,184

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2007-08	Comprehensive School Safety Plans II: Discrimination and Harassment Policy, and Hate Crime Reporting Procedures	Ch. 890/01; Ch. 506/02	311	\$ 3,730	\$ -	\$ 3,730	\$ -	\$ -	\$ -	\$ 3,730
2007-08	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 9,232,098	\$ 17,576	\$ 9,214,522	\$ 2	\$ -	\$ 2	\$ 9,214,520
2007-08	Consolidation of Law Enforcement Agency Notification and Missing Children Reports	Ch. 1117/89	276	\$ 891,073	\$ 1,000	\$ 890,073	\$ -	\$ -	\$ -	\$ 890,073
2007-08	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 346,400	\$ -	\$ 346,400	\$ -	\$ -	\$ -	\$ 346,400
2007-08	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 309,546	\$ 1,000	\$ 308,546	\$ -	\$ -	\$ -	\$ 308,546
2007-08	Criminal Background Checks	Ch. 588/97	183	\$ 868,045	\$ 3,595	\$ 864,450	\$ 1	\$ 1	\$ -	\$ 864,450
2007-08	Criminal Background Checks II	Ch. 594/98	251	\$ 460,761	\$ 1,000	\$ 459,761	\$ -	\$ -	\$ -	\$ 459,761
2007-08	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 13,054	\$ 1,000	\$ 12,054	\$ -	\$ -	\$ -	\$ 12,054
2007-08	Financial and Compliance Audits	Ch. 36/77	192	\$ 415,489	\$ 1,000	\$ 414,489	\$ -	\$ -	\$ -	\$ 414,489
2007-08	Graduation Requirements	Ch. 498/83	26	\$ 27,025,365	\$ 756	\$ 27,024,609	\$ -	\$ -	\$ -	\$ 27,024,609
2007-08	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 231,450,482	\$ 2,117,081	\$ 229,333,401	\$ -	\$ -	\$ -	\$ 229,333,401
2007-08	Habitual Truant	Ch. 1184/75	166	\$ 7,098,458	\$ 3,299	\$ 7,095,159	\$ 1	\$ -	\$ 1	\$ 7,095,158
2007-08	High School Exit Examination	Ch. 1/99	268	\$ 6,941,272	\$ 2,643	\$ 6,938,629	\$ -	\$ -	\$ -	\$ 6,938,629
2007-08	Immunization Records	Ch. 1176/77	32	\$ 4,365,533	\$ 155,818	\$ 4,209,715	\$ 2	\$ -	\$ 2	\$ 4,209,713
2007-08	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,527,457	\$ 14,201	\$ 5,513,256	\$ 3	\$ -	\$ 3	\$ 5,513,253
2007-08	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 267,572	\$ -	\$ 267,572	\$ -	\$ -	\$ -	\$ 267,572
2007-08	Intradistrict Attendance	Ch. 161/93	153	\$ 4,238,386	\$ 1,000	\$ 4,237,386	\$ -	\$ -	\$ -	\$ 4,237,386
2007-08	Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,159,907	\$ 1,000	\$ 1,158,907	\$ -	\$ -	\$ -	\$ 1,158,907
2007-08	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,426,591	\$ 3,785	\$ 16,422,806	\$ -	\$ -	\$ -	\$ 16,422,806
2007-08	National Norm-Referenced Achievement Test (formerly Standardized Testing and Reporting (STAR))	Ch. 828/97	265	\$ 3,431,203	\$ 9,177	\$ 3,422,026	\$ -	\$ -	\$ -	\$ 3,422,026
2007-08	Notification of Truancy	Ch. 498/83	48	\$ 16,740,504	\$ 34,735	\$ 16,705,769	\$ 10	\$ 9	\$ 1	\$ 16,705,768
2007-08	Notification to Teachers: Pupils Subject to Suspension or Expulsion	Ch. 1306/89	150	\$ 7,031,993	\$ 14,335	\$ 7,017,658	\$ 9	\$ 7	\$ 2	\$ 7,017,656
2007-08	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 3,830,664	\$ 7,754	\$ 3,822,910	\$ -	\$ -	\$ -	\$ 3,822,910
2007-08	Physical Education Reports	Ch. 640/97	195	\$ 9,014	\$ 1,000	\$ 8,014	\$ -	\$ -	\$ -	\$ 8,014
2007-08	Physical Performance Tests	Ch. 975/95	173	\$ 1,914,563	\$ 4,709	\$ 1,909,854	\$ 2	\$ -	\$ 2	\$ 1,909,852
2007-08	Prevailing Wage Rate	Ch. 1249/78	304	\$ 150,888	\$ -	\$ 150,888	\$ -	\$ -	\$ -	\$ 150,888
2007-08	Pupil Health Screenings	Ch. 1208/76	261	\$ 840,766	\$ 3,095	\$ 837,671	\$ 2	\$ -	\$ 2	\$ 837,669
2007-08	Pupil Promotion and Retention	Ch. 100/91	244	\$ 2,791,621	\$ 12,880	\$ 2,778,741	\$ -	\$ -	\$ -	\$ 2,778,741
2007-08	Pupil Residency Verification and Appeals	Ch. 309/95	182	\$ 90,993	\$ 1,000	\$ 89,993	\$ -	\$ -	\$ -	\$ 89,993
2007-08	Pupil Safety Notices	Ch. 498/83	280	\$ 23,080	\$ -	\$ 23,080	\$ -	\$ -	\$ -	\$ 23,080
2007-08	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 7,077,212	\$ 6,137	\$ 7,071,075	\$ 22	\$ 21	\$ 1	\$ 7,071,074
2007-08	Removal of Chemicals	Ch. 1107/84	57	\$ 1,377,233	\$ 1,000	\$ 1,376,233	\$ -	\$ -	\$ -	\$ 1,376,233
2007-08	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,194,113	\$ 3,695	\$ 2,190,418	\$ -	\$ -	\$ -	\$ 2,190,418

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2007-08	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 3,249,617	\$ 6,419	\$ 3,243,198	\$ 2,501	\$ -	\$ 2,501	\$ 3,240,697
2007-08	School District Reorganization	Ch. 1192/80	228	\$ 47,447	\$ 1,000	\$ 46,447	\$ -	\$ -	\$ -	\$ 46,447
2007-08	Scoliosis Screening	Ch. 1347/80	58	\$ 3,358,946	\$ 13,460	\$ 3,345,486	\$ 2	\$ -	\$ 2	\$ 3,345,484
2007-08	Student Records	Ch. 593/89	308	\$ 124,119	\$ -	\$ 124,119	\$ -	\$ -	\$ -	\$ 124,119
2007-08	The Stull Act	Ch. 498/83	260	\$ 22,168,457	\$ 55,548	\$ 22,112,909	\$ -	\$ -	\$ -	\$ 22,112,909
2007-08 Total				\$ 426,793,121	\$ 2,705,212	\$ 424,087,909	\$ 2,569	\$ 42	\$ 2,527	\$ 424,085,382
2006-07	Academic Performance Index	Ch. 695/00	305	\$ 110,375	\$ -	\$ 110,375	\$ -	\$ -	\$ -	\$ 110,375
2006-07	Agency Fee Arrangements	Ch. 893/00	269	\$ 6,011	\$ -	\$ 6,011	\$ -	\$ -	\$ -	\$ 6,011
2006-07	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,560,401	\$ 203,760	\$ 1,356,641	\$ 54,327	\$ 52,385	\$ 1,942	\$ 1,354,699
2006-07	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 87,725	\$ -	\$ 87,725	\$ -	\$ -	\$ -	\$ 87,725
2006-07	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 713,312	\$ 106,094	\$ 607,218	\$ 28,693	\$ 15,027	\$ 13,666	\$ 593,552
2006-07	Charter Schools II	Ch. 34/98	249	\$ 2,310,086	\$ 148,060	\$ 2,162,026	\$ 20,038	\$ 20,038	\$ -	\$ 2,162,026
2006-07	Charter Schools III	Ch. 34/98	277	\$ 84,983	\$ -	\$ 84,983	\$ -	\$ -	\$ -	\$ 84,983
2006-07	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 27,822,780	\$ 3,467,271	\$ 24,355,509	\$ 147,591	\$ 116,500	\$ 31,091	\$ 24,324,418
2006-07	Comprehensive School Safety Plans	Ch. 736/97	223	\$ 3,840,616	\$ 619,014	\$ 3,221,602	\$ 93,330	\$ 44,981	\$ 48,349	\$ 3,173,253
2006-07	Comprehensive School Safety Plans II: Earthquake Emergency Procedure System and Use of School Buildings During Emergencies	Ch. 895/04	312	\$ 3,045	\$ -	\$ 3,045	\$ -	\$ -	\$ -	\$ 3,045
2006-07	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 9,089,467	\$ 1,413,223	\$ 7,676,244	\$ 55,256	\$ 48,794	\$ 6,462	\$ 7,669,782
2006-07	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 215,949	\$ -	\$ 215,949	\$ -	\$ -	\$ -	\$ 215,949
2006-07	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 271,074	\$ 36,060	\$ 235,014	\$ 15,158	\$ 15,158	\$ -	\$ 235,014
2006-07	Criminal Background Checks	Ch. 588/97	183	\$ 814,197	\$ 124,668	\$ 689,529	\$ 40,116	\$ 39,439	\$ 677	\$ 688,852
2006-07	Criminal Background Checks II	Ch. 594/98	251	\$ 555,064	\$ 41,213	\$ 513,851	\$ 6,681	\$ 4,892	\$ 1,789	\$ 512,062
2006-07	Differential Pay and Reemployment	Ch. 30/98	253	\$ 2,919	\$ -	\$ 2,919	\$ 1,262	\$ -	\$ 1,262	\$ 1,657
2006-07	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 14,079	\$ 2,924	\$ 11,155	\$ -	\$ -	\$ -	\$ 11,155
2006-07	Financial and Compliance Audits	Ch. 36/77	192	\$ 386,700	\$ 38,250	\$ 348,450	\$ 16,641	\$ 15,516	\$ 1,125	\$ 347,325
2006-07	Graduation Requirements	Ch. 498/83	26	\$ 65,289,197	\$ 11,544,437	\$ 53,744,760	\$ 491,772	\$ 3,394	\$ 488,378	\$ 53,256,382
2006-07	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 173,270,634	\$ 3,001,107	\$ 170,269,527	\$ -	\$ -	\$ -	\$ 170,269,527
2006-07	Habitual Truant	Ch. 1184/75	166	\$ 6,719,558	\$ 797,003	\$ 5,922,555	\$ 69,622	\$ 47,948	\$ 21,674	\$ 5,900,881
2006-07	High School Exit Examination	Ch. 1/99	268	\$ 6,589,849	\$ 8,349	\$ 6,581,500	\$ -	\$ -	\$ -	\$ 6,581,500
2006-07	Immunization Records	Ch. 1176/77	32	\$ 4,151,300	\$ 1,867,265	\$ 2,284,035	\$ 1,352	\$ 912	\$ 440	\$ 2,283,595
2006-07	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,373,009	\$ 908,287	\$ 4,464,722	\$ 10,680	\$ 8,110	\$ 2,570	\$ 4,462,152
2006-07	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 224,134	\$ -	\$ 224,134	\$ -	\$ -	\$ -	\$ 224,134
2006-07	Intradistrict Attendance	Ch. 161/93	153	\$ 4,509,810	\$ 783,969	\$ 3,725,841	\$ 65,813	\$ 59,790	\$ 6,023	\$ 3,719,818
2006-07	Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,176,856	\$ 170,781	\$ 1,006,075	\$ 28,652	\$ 27,448	\$ 1,204	\$ 1,004,871
2006-07	Law Enforcement Agency Notification	Ch. 1117/89	157	\$ 1,656,765	\$ 201,715	\$ 1,455,050	\$ 32,178	\$ 30,021	\$ 2,157	\$ 1,452,893
2006-07	Mandate Reimbursement Process	Ch. 486/75	42	\$ 15,562,513	\$ 3,786	\$ 15,558,727	\$ -	\$ -	\$ -	\$ 15,558,727

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2006-07	Missing Children Reports	Ch. 249/86	275	\$ 23,761	\$ -	\$ 23,761	\$ -	\$ -	\$ -	\$ 23,761
2006-07	National Norm-Referenced Achievement Test (formerly Standardized Testing and Reporting (STAR))	Ch. 828/97	265	\$ 3,247,854	\$ 21,019	\$ 3,226,835	\$ -	\$ -	\$ -	\$ 3,226,835
2006-07	Notification of Truancy	Ch. 498/83	48	\$ 14,280,248	\$ 1,944,636	\$ 12,335,612	\$ 203,988	\$ 199,635	\$ 4,353	\$ 12,331,259
2006-07	Notification to Teachers: Pupils Subject to Suspension or Expulsion	Ch. 1306/89	150	\$ 6,617,290	\$ 923,200	\$ 5,694,090	\$ 60,300	\$ 54,923	\$ 5,377	\$ 5,688,713
2006-07	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 3,724,236	\$ 4,639	\$ 3,719,597	\$ -	\$ -	\$ -	\$ 3,719,597
2006-07	Physical Education Reports	Ch. 640/97	195	\$ 6,689	\$ -	\$ 6,689	\$ -	\$ -	\$ -	\$ 6,689
2006-07	Physical Performance Tests	Ch. 975/95	173	\$ 1,756,962	\$ 658,882	\$ 1,098,080	\$ 42,573	\$ 37,208	\$ 5,365	\$ 1,092,715
2006-07	Prevailing Wage Rate	Ch. 1249/78	304	\$ 52,810	\$ -	\$ 52,810	\$ -	\$ -	\$ -	\$ 52,810
2006-07	Pupil Health Screenings	Ch. 1208/76	261	\$ 814,086	\$ 146,439	\$ 667,647	\$ 72,250	\$ 29,296	\$ 42,954	\$ 624,693
2006-07	Pupil Promotion and Retention	Ch. 100/91	244	\$ 3,239,841	\$ 424,439	\$ 2,815,402	\$ 73,306	\$ 50,311	\$ 22,995	\$ 2,792,407
2006-07	Pupil Residency Verification and Appeals	Ch. 309/95	182	\$ 68,265	\$ 53,939	\$ 14,326	\$ 1,388	\$ 1,388	\$ -	\$ 14,326
2006-07	Pupil Safety Notices	Ch. 498/83	280	\$ 14,665	\$ -	\$ 14,665	\$ -	\$ -	\$ -	\$ 14,665
2006-07	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 7,224,918	\$ 506,503	\$ 6,718,415	\$ 35,024	\$ 25,955	\$ 9,069	\$ 6,709,346
2006-07	Removal of Chemicals	Ch. 1107/84	57	\$ 964,299	\$ 54,289	\$ 910,010	\$ 14,205	\$ 14,205	\$ -	\$ 910,010
2006-07	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,196,998	\$ 2,251	\$ 2,194,747	\$ -	\$ -	\$ -	\$ 2,194,747
2006-07	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 100/81	258	\$ 2,758,435	\$ 309,403	\$ 2,449,032	\$ 42,825	\$ 40,423	\$ 2,402	\$ 2,446,630
2006-07	School District Reorganization	Ch. 1192/80	228	\$ 14,952	\$ -	\$ 14,952	\$ -	\$ -	\$ -	\$ 14,952
2006-07	Scoliosis Screening	Ch. 1347/80	58	\$ 3,087,553	\$ 520,351	\$ 2,567,202	\$ 15,442	\$ 13,514	\$ 1,928	\$ 2,565,274
2006-07	Student Records	Ch. 593/89	308	\$ 83,236	\$ -	\$ 83,236	\$ -	\$ -	\$ -	\$ 83,236
2006-07	The Stull Act	Ch. 498/83	260	\$ 20,924,951	\$ 148,316	\$ 20,776,635	\$ -	\$ -	\$ -	\$ 20,776,635
2006-07 Total				\$ 403,514,457	\$ 31,205,542	\$ 372,308,915	\$ 1,740,463	\$ 1,017,211	\$ 723,252	\$ 371,585,663
2005-06	Academic Performance Index	Ch. 695/00	305	\$ 91,574	\$ -	\$ 91,574	\$ -	\$ -	\$ -	\$ 91,574
2005-06	Agency Fee Arrangements	Ch. 893/00	269	\$ 13,832	\$ -	\$ 13,832	\$ -	\$ -	\$ -	\$ 13,832
2005-06	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,529,642	\$ 207,496	\$ 1,322,146	\$ -	\$ -	\$ -	\$ 1,322,146
2005-06	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 81,632	\$ -	\$ 81,632	\$ -	\$ -	\$ -	\$ 81,632
2005-06	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 789,966	\$ 124,841	\$ 665,125	\$ -	\$ -	\$ -	\$ 665,125
2005-06	Charter Schools II	Ch. 34/98	249	\$ 1,894,352	\$ 64,827	\$ 1,829,525	\$ -	\$ -	\$ -	\$ 1,829,525
2005-06	Charter Schools III	Ch. 34/98	277	\$ 9,521	\$ -	\$ 9,521	\$ -	\$ -	\$ -	\$ 9,521
2005-06	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 28,153,468	\$ 18,933,286	\$ 9,220,182	\$ 6,504,563	\$ 5,404,226	\$ 1,100,337	\$ 8,119,845
2005-06	Comprehensive School Safety Plans	Ch. 736/97	223	\$ 4,128,203	\$ 282,342	\$ 3,845,861	\$ -	\$ -	\$ -	\$ 3,845,861
2005-06	Comprehensive School Safety Plans II: Earthquake Emergency Procedure System and Use of School Buildings During Emergencies	Ch. 895/04	312	\$ 1,649	\$ -	\$ 1,649	\$ -	\$ -	\$ -	\$ 1,649
2005-06	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 8,377,096	\$ 2,847,159	\$ 5,529,937	\$ -	\$ -	\$ -	\$ 5,529,937
2005-06	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 221,637	\$ -	\$ 221,637	\$ -	\$ -	\$ -	\$ 221,637

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2005-06	County Office of Education Fiscal Accountability Reporting	Ch. 917/87	209	\$ 330,968	\$ 3,536	\$ 327,432	\$ -	\$ -	\$ -	\$ 327,432
2005-06	Criminal Background Checks	Ch. 588/97	183	\$ 1,054,716	\$ 748,138	\$ 306,578	\$ 324,824	\$ 323,081	\$ 1,743	\$ 304,835
2005-06	Criminal Background Checks II	Ch. 594/98	251	\$ 347,467	\$ 11,457	\$ 336,010	\$ -	\$ -	\$ -	\$ 336,010
2005-06	Differential Pay and Reemployment	Ch. 30/98	253	\$ 9,089	\$ 968	\$ 8,121	\$ -	\$ -	\$ -	\$ 8,121
2005-06	Expulsion of Pupils Transcript Cost for Appeals	Ch. 1253/75	91	\$ 11,182	\$ 1,696	\$ 9,486	\$ -	\$ -	\$ -	\$ 9,486
2005-06	Financial and Compliance Audits	Ch. 36/77	192	\$ 345,937	\$ 68,025	\$ 277,912	\$ -	\$ -	\$ -	\$ 277,912
2005-06	Graduation Requirements	Ch. 498/83	26	\$ 43,202,517	\$ 18,607,255	\$ 24,595,262	\$ 2,628,221	\$ 940,748	\$ 1,687,473	\$ 22,907,789
2005-06	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 178,622,302	\$ 6,217,536	\$ 172,404,766	\$ -	\$ -	\$ -	\$ 172,404,766
2005-06	Habitual Truant	Ch. 1184/75	166	\$ 5,514,935	\$ 580,255	\$ 4,934,680	\$ -	\$ -	\$ -	\$ 4,934,680
2005-06	High School Exit Examination	Ch. 1/99	268	\$ 6,928,053	\$ 1,095,422	\$ 5,832,631	\$ -	\$ -	\$ -	\$ 5,832,631
2005-06	Immunization Records	Ch. 1176/77	32	\$ 3,940,566	\$ 2,825,996	\$ 1,114,570	\$ -	\$ -	\$ -	\$ 1,114,570
2005-06	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 5,033,509	\$ 1,271,738	\$ 3,761,771	\$ -	\$ -	\$ -	\$ 3,761,771
2005-06	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 187,472	\$ -	\$ 187,472	\$ -	\$ -	\$ -	\$ 187,472
2005-06	Intradistrict Attendance	Ch. 161/93	153	\$ 4,741,022	\$ 2,882,466	\$ 1,858,556	\$ 1,319,463	\$ 1,295,954	\$ 23,509	\$ 1,835,047
2005-06	Juvenile Court Notices II	Ch. 1423/84	155	\$ 1,185,878	\$ 219,376	\$ 966,502	\$ -	\$ -	\$ -	\$ 966,502
2005-06	Law Enforcement Agency Notification	Ch. 1117/89	157	\$ 1,550,790	\$ 59,580	\$ 1,491,210	\$ -	\$ -	\$ -	\$ 1,491,210
2005-06	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,509,166	\$ 1,225,153	\$ 15,284,013	\$ -	\$ -	\$ -	\$ 15,284,013
2005-06	Missing Children Reports	Ch. 249/86	275	\$ 3,950	\$ -	\$ 3,950	\$ -	\$ -	\$ -	\$ 3,950
2005-06	National Norm-Referenced Achievement Test (formerly Standardized Testing and Reporting (STAR))	Ch. 828/97	265	\$ 2,832,985	\$ 88,163	\$ 2,744,822	\$ -	\$ -	\$ -	\$ 2,744,822
2005-06	Notification of Truancy Notification to Teachers: Pupils Subject to Suspension or Expulsion	Ch. 498/83	48	\$ 12,361,312	\$ 2,308,281	\$ 10,053,031	\$ -	\$ -	\$ -	\$ 10,053,031
2005-06	Open Meetings Act/Brown Act Reform	Ch. 1306/89	150	\$ 5,726,692	\$ 3,875,457	\$ 1,851,235	\$ 1,191,913	\$ 1,166,078	\$ 25,835	\$ 1,825,400
2005-06	Prevailing Wage Rate	Ch. 641/86	218	\$ 3,290,016	\$ 3,670	\$ 3,286,346	\$ -	\$ -	\$ -	\$ 3,286,346
2005-06	Pupil Classroom Suspension: Counseling	Ch. 1249/78	304	\$ 6,121	\$ -	\$ 6,121	\$ -	\$ -	\$ -	\$ 6,121
2005-06	Pupil Exclusions	Ch. 965/77	151	\$ -	\$ -	\$ -	\$ 154,522	\$ 150,626	\$ 3,896	\$ (3,896)
2005-06	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 668/78	165	\$ 858,538	\$ -	\$ 858,538	\$ -	\$ -	\$ -	\$ 858,538
2005-06	Pupil Health Screenings	Ch. 1253/75	271	\$ 4,310,781	\$ 149,779	\$ 4,161,002	\$ -	\$ -	\$ -	\$ 4,161,002
2005-06	Pupil Promotion and Retention	Ch. 1208/76	261	\$ 1,283,024	\$ 139,749	\$ 1,143,275	\$ -	\$ -	\$ -	\$ 1,143,275
2005-06	Pupil Residency Verification and Appeals	Ch. 100/91	244	\$ 3,003,669	\$ 412,997	\$ 2,590,672	\$ -	\$ -	\$ -	\$ 2,590,672
2005-06	Pupil Safety Notices	Ch. 309/95	182	\$ 283,789	\$ 2,296	\$ 281,493	\$ -	\$ -	\$ -	\$ 281,493
2005-06	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 498/83	280	\$ 10,081	\$ -	\$ 10,081	\$ -	\$ -	\$ -	\$ 10,081
2005-06	Removal of Chemicals	Ch. 1253/75	176	\$ 3,178,106	\$ 303,195	\$ 2,874,911	\$ -	\$ -	\$ -	\$ 2,874,911
2005-06	School District Fiscal Accountability Reporting and Employee Benefits Disclosure	Ch. 1107/84	57	\$ 1,056,004	\$ 118,591	\$ 937,413	\$ -	\$ -	\$ -	\$ 937,413
2005-06	Scoliosis Screening	Ch. 1463/89	171	\$ 1,823,094	\$ 4,537	\$ 1,818,557	\$ -	\$ -	\$ -	\$ 1,818,557
2005-06	Student Records	Ch. 100/81	258	\$ 2,148,402	\$ (201,618)	\$ 2,350,020	\$ -	\$ -	\$ -	\$ 2,350,020
2005-06	The Stull Act	Ch. 1347/80	58	\$ 2,981,606	\$ 608,394	\$ 2,373,212	\$ -	\$ -	\$ -	\$ 2,373,212
2005-06	Total	Ch. 593/89	308	\$ 68,777	\$ -	\$ 68,777	\$ -	\$ -	\$ -	\$ 68,777
2005-06	Total	Ch. 498/83	260	\$ 22,852,794	\$ 2,723,402	\$ 20,129,392	\$ -	\$ -	\$ -	\$ 20,129,392
2005-06	Total			\$ 382,887,882	\$ 68,815,441	\$ 314,072,441	\$ 12,123,506	\$ 9,280,713	\$ 2,842,793	\$ 311,229,648

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2004-05	Academic Performance Index	Ch. 695/00	305	\$ 83,768	\$ -	\$ 83,768	\$ -	\$ -	\$ -	\$ 83,768
2004-05	Agency Fee Arrangements	Ch. 893/00	269	\$ 11,498	\$ -	\$ 11,498	\$ -	\$ -	\$ -	\$ 11,498
2004-05	AIDS Prevention Instruction II	Ch. 818/91	250	\$ 1,663,814	\$ 1,663,814	\$ -	\$ 1,097	\$ -	\$ 1,097	\$ (1,097)
2004-05	American Government Course Document Requirements	Ch. 778/96	179	\$ 35,823	\$ 35,823	\$ -	\$ 1,728	\$ -	\$ 1,728	\$ (1,728)
2004-05	Annual Parent Notification III	Ch. 448/75	221	\$ 6,550,640	\$ 6,550,640	\$ -	\$ 11,682	\$ -	\$ 11,682	\$ (11,682)
2004-05	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 84,930	\$ -	\$ 84,930	\$ -	\$ -	\$ -	\$ 84,930
2004-05	Caregiver Affidavits to Establish Residence for School Attendance	Ch. 98/94	172	\$ 862,291	\$ 862,291	\$ -	\$ 8,341	\$ -	\$ 8,341	\$ (8,341)
2004-05	Charter Schools III	Ch. 34/98	277	\$ 1,932	\$ -	\$ 1,932	\$ -	\$ -	\$ -	\$ 1,932
2004-05	Comprehensive School Safety Plans II: Discrimination and Harassment Policy, and Hate Crime Reporting Procedures	Ch. 890/01; Ch. 506/02	311	\$ 1,029	\$ -	\$ 1,029	\$ -	\$ -	\$ -	\$ 1,029
2004-05	Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools	Ch. 448/75	272	\$ 3,836,796	\$ 3,836,796	\$ -	\$ 232,908	\$ 227,523	\$ 5,385	\$ (5,385)
2004-05	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 278,636	\$ -	\$ 278,636	\$ -	\$ -	\$ -	\$ 278,636
2004-05	Criminal Background Checks	Ch. 588/97	183	\$ 972,414	\$ 972,414	\$ -	\$ 5,164	\$ -	\$ 5,164	\$ (5,164)
2004-05	Criminal Background Checks II	Ch. 594/98	251	\$ 410,381	\$ 410,381	\$ -	\$ 13,269	\$ -	\$ 13,269	\$ (13,269)
2004-05	Emergency Procedures, Earthquake Procedures, and Disasters and Comprehensive School Safety Plans	Ch. 1659/84	225	\$ 7,692,381	\$ 7,692,381	\$ -	\$ 2,291,343	\$ 2,217,084	\$ 74,259	\$ (74,259)
2004-05	Financial and Compliance Audits	Ch. 36/77	192	\$ 326,816	\$ 326,816	\$ -	\$ 28,443	\$ 16,875	\$ 11,568	\$ (11,568)
2004-05	Graduation Requirements	Ch. 498/83	26	\$ 32,114,075	\$ 15,748,215	\$ 16,365,860	\$ 1,642,371	\$ -	\$ 1,642,371	\$ 14,723,489
2004-05	Graduation Requirements (07/01/2004 to 12/21/2004)	Ch. 498/93	296	\$ 74,192,532	\$ 6,601,196	\$ 67,591,336	\$ -	\$ -	\$ -	\$ 67,591,336
2004-05	Graduation Requirements (On or after 01/01/2005)	Ch. 498/93	297	\$ 99,027,117	\$ 4,964,664	\$ 94,062,453	\$ -	\$ -	\$ -	\$ 94,062,453
2004-05	Habitual Truant	Ch. 1184/75	166	\$ 5,326,856	\$ 5,326,856	\$ -	\$ 86,788	\$ 1,924	\$ 84,864	\$ (84,864)
2004-05	High School Exit Examination	Ch. 1/99	268	\$ 3,889,184	\$ 382,026	\$ 3,507,158	\$ -	\$ -	\$ -	\$ 3,507,158
2004-05	Immunization Records	Ch. 1176/77	32	\$ 3,750,504	\$ 3,750,504	\$ -	\$ 7,395	\$ 5,028	\$ 2,367	\$ (2,367)
2004-05	Immunization Records - Hepatitis B	Ch. 325/78	230	\$ 4,852,850	\$ 4,852,850	\$ -	\$ 4,855	\$ 3,446	\$ 1,409	\$ (1,409)
2004-05	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 143,450	\$ -	\$ 143,450	\$ -	\$ -	\$ -	\$ 143,450
2004-05	Mandate Reimbursement Process	Ch. 486/75	42	\$ 16,131,558	\$ 16,131,558	\$ -	\$ 196,608	\$ -	\$ 196,608	\$ (196,608)
2004-05	Missing Children Reports	Ch. 249/86	275	\$ 7,119	\$ -	\$ 7,119	\$ -	\$ -	\$ -	\$ 7,119
2004-05	National Norm-Referenced Achievement Test (formerly Standardized Testing and Reporting (STAR))	Ch. 828/97	265	\$ 1,985,085	\$ 8,083	\$ 1,977,002	\$ -	\$ -	\$ -	\$ 1,977,002
2004-05	Notification of Truancy	Ch. 498/83	48	\$ 9,690,577	\$ 9,690,577	\$ -	\$ 256,426	\$ 193,565	\$ 62,861	\$ (62,861)
2004-05	Notification to Teachers: Pupils Subject to Suspension or Expulsion	Ch. 1306/89	150	\$ 5,227,141	\$ 5,227,141	\$ -	\$ 1,755	\$ -	\$ 1,755	\$ (1,755)
2004-05	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 5,599,525	\$ 1,699,474	\$ 3,900,051	\$ -	\$ -	\$ -	\$ 3,900,051
2004-05	Physical Performance Tests	Ch. 975/95	173	\$ 1,640,120	\$ 1,640,120	\$ -	\$ 21,157	\$ -	\$ 21,157	\$ (21,157)
2004-05	Prevailing Wage Rate	Ch. 1249/78	304	\$ 52,254	\$ -	\$ 52,254	\$ -	\$ -	\$ -	\$ 52,254

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2004-05	Pupil Classroom Suspension: Counseling	Ch. 965/77	151	\$ 284,214	\$ 284,214	\$ -	\$ 21,795	\$ -	\$ 21,795	\$ (21,795)
2004-05	Pupil Exclusions	Ch. 668/78	165	\$ 2,729,603	\$ 2,729,603	\$ -	\$ 3,259	\$ -	\$ 3,259	\$ (3,259)
2004-05	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 3,862,106	\$ 181,412	\$ 3,680,694	\$ -	\$ -	\$ -	\$ 3,680,694
2004-05	Pupil Health Screenings	Ch. 1208/76	139	\$ 357,362	\$ 357,362	\$ -	\$ 160,350	\$ 1,165	\$ 159,185	\$ (159,185)
2004-05	Pupil Promotion and Retention	Ch. 100/91	244	\$ 2,403,492	\$ 2,403,492	\$ -	\$ 141,792	\$ 133,418	\$ 8,374	\$ (8,374)
2004-05	Pupil Safety Notices	Ch. 498/83	280	\$ 6,645	\$ -	\$ 6,645	\$ -	\$ -	\$ -	\$ 6,645
2004-05	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 2,347,445	\$ 2,347,445	\$ -	\$ 16,180	\$ 6,905	\$ 9,275	\$ (9,275)
2004-05	Removal of Chemicals	Ch. 1107/84	57	\$ 1,056,561	\$ 497,056	\$ 559,505	\$ -	\$ -	\$ -	\$ 559,505
2004-05	School Accountability Report Cards	Ch. 1463/89	171	\$ 3,386,012	\$ 3,372,415	\$ 13,597	\$ 96,733	\$ -	\$ 96,733	\$ (83,136)
2004-05	School District Fiscal Accountability Reporting	Ch. 100/81	211	\$ 2,257,308	\$ 2,257,308	\$ -	\$ 23,731	\$ -	\$ 23,731	\$ (23,731)
2004-05	Scoliosis Screening	Ch. 1347/80	58	\$ 2,735,317	\$ 2,735,317	\$ -	\$ 8,173	\$ 5,490	\$ 2,683	\$ (2,683)
2004-05	Student Records	Ch. 593/89	308	\$ 75,037	\$ -	\$ 75,037	\$ -	\$ -	\$ -	\$ 75,037
2004-05	The Stull Act	Ch. 498/83	260	\$ 20,538,503	\$ 4,100,728	\$ 16,437,775	\$ -	\$ -	\$ -	\$ 16,437,775
2004-05 Total				\$ 328,482,701	\$ 119,640,972	\$ 208,841,729	\$ 5,283,343	\$ 2,812,423	\$ 2,470,920	\$ 206,370,809
2003-04	Academic Performance Index	Ch. 695/00	305	\$ 74,511	\$ -	\$ 74,511	\$ -	\$ -	\$ -	\$ 74,511
2003-04	Agency Fee Arrangements	Ch. 893/00	269	\$ 8,283	\$ -	\$ 8,283	\$ -	\$ -	\$ -	\$ 8,283
2003-04	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	286	\$ 49,345	\$ -	\$ 49,345	\$ -	\$ -	\$ -	\$ 49,345
2003-04	Charter Schools III	Ch. 34/98	277	\$ 1,295	\$ -	\$ 1,295	\$ -	\$ -	\$ -	\$ 1,295
2003-04	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 28,107,019	\$ 28,107,019	\$ -	\$ 517,475	\$ 433,247	\$ 84,228	\$ (84,228)
2003-04	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 176,468	\$ -	\$ 176,468	\$ -	\$ -	\$ -	\$ 176,468
2003-04	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 169,711,560	\$ 7,533,910	\$ 162,177,650	\$ -	\$ -	\$ -	\$ 162,177,650
2003-04	Grand Jury Proceedings	Ch. 1170/96	226	\$ 31,159	\$ 13,282	\$ 17,877	\$ -	\$ -	\$ -	\$ 17,877
2003-04	High School Exit Examination	Ch. 1/99	268	\$ 3,069,238	\$ 228,359	\$ 2,840,879	\$ -	\$ -	\$ -	\$ 2,840,879
2003-04	Missing Children Reports	Ch. 249/86	275	\$ 1,082	\$ -	\$ 1,082	\$ -	\$ -	\$ -	\$ 1,082
2003-04	Notification of Truancy	Ch. 498/83	48	\$ 8,694,253	\$ 8,694,253	\$ -	\$ 1,253,345	\$ 405,483	\$ 847,862	\$ (847,862)
2003-04	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 6,207,326	\$ 2,162,772	\$ 4,044,554	\$ -	\$ -	\$ -	\$ 4,044,554
2003-04	Prevailing Wage Rate	Ch. 1249/78	304	\$ 117,173	\$ -	\$ 117,173	\$ -	\$ -	\$ -	\$ 117,173
2003-04	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 3,544,682	\$ 146,851	\$ 3,397,831	\$ -	\$ -	\$ -	\$ 3,397,831
2003-04	Pupil Health Screenings	Ch. 1208/76	139	\$ 3,233,418	\$ 3,233,418	\$ -	\$ 966,463	\$ -	\$ 966,463	\$ (966,463)
2003-04	Pupil Safety Notices	Ch. 498/83	280	\$ 6,634	\$ -	\$ 6,634	\$ -	\$ -	\$ -	\$ 6,634
2003-04	Removal of Chemicals	Ch. 1107/84	57	\$ 1,112,874	\$ 652,458	\$ 460,416	\$ -	\$ -	\$ -	\$ 460,416
2003-04	School Accountability Report Cards	Ch. 1463/89	171	\$ 3,863,134	\$ 3,863,065	\$ 69	\$ 69	\$ 69	\$ -	\$ 69
2003-04	Standardized Testing and Reporting	Ch. 828/97	208	\$ 18,035,640	\$ 6,504,971	\$ 11,530,669	\$ 18,700	\$ 18,700	\$ -	\$ 11,530,669
2003-04	Student Records	Ch. 593/89	308	\$ 53,294	\$ -	\$ 53,294	\$ -	\$ -	\$ -	\$ 53,294
2003-04	The Stull Act	Ch. 498/83	260	\$ 17,141,199	\$ 3,626,695	\$ 13,514,504	\$ -	\$ -	\$ -	\$ 13,514,504
2003-04 Total				\$ 263,239,587	\$ 64,767,053	\$ 198,472,534	\$ 2,756,052	\$ 857,499	\$ 1,898,553	\$ 196,573,981

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2002-03	Academic Performance Index	Ch. 695/00	305	\$ 61,134	\$ -	\$ 61,134	\$ -	\$ -	\$ -	\$ 61,134
2002-03	Agency Fee Arrangements	Ch. 893/00	269	\$ 8,599	\$ 1,976	\$ 6,623	\$ -	\$ -	\$ -	\$ 6,623
2002-03	California State Teachers' Retirement System (CalSTRS)									
2002-03	Service Credit	Ch. 603/94	286	\$ 39,773	\$ -	\$ 39,773	\$ -	\$ -	\$ -	\$ 39,773
2002-03	Charter Schools III	Ch. 34/98	277	\$ 1,180	\$ -	\$ 1,180	\$ -	\$ -	\$ -	\$ 1,180
2002-03	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 30,770,605	\$ 30,595,553	\$ 175,052	\$ 867,444	\$ 796,031	\$ 71,413	\$ 103,639
2002-03	Comprehensive School Safety Plans II: Discrimination and Harassment Policy, and Hate Crime Reporting Procedures	Ch. 890/01; Ch. 506/02	311	\$ 3,668	\$ -	\$ 3,668	\$ -	\$ -	\$ -	\$ 3,668
2002-03	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 194,231	\$ -	\$ 194,231	\$ -	\$ -	\$ -	\$ 194,231
2002-03	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 176,597,642	\$ 5,767,696	\$ 170,829,946	\$ -	\$ -	\$ -	\$ 170,829,946
2002-03	Grand Jury Proceedings	Ch. 1170/96	226	\$ 73,771	\$ 61,567	\$ 12,204	\$ -	\$ -	\$ -	\$ 12,204
2002-03	High School Exit Examination	Ch. 1/99	268	\$ 3,016,345	\$ 216,611	\$ 2,799,734	\$ -	\$ -	\$ -	\$ 2,799,734
2002-03	Intradistrict Attendance	Ch. 161/93	153	\$ 7,235,790	\$ 7,100,754	\$ 135,036	\$ 204,853	\$ 204,853	\$ -	\$ 135,036
2002-03	Missing Children Reports	Ch. 249/86	275	\$ 1,047	\$ -	\$ 1,047	\$ -	\$ -	\$ -	\$ 1,047
2002-03	Notification of Truancy	Ch. 498/83	48	\$ 7,484,519	\$ 7,484,519	\$ -	\$ 895,210	\$ 357,099	\$ 538,111	\$ (538,111)
2002-03	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 7,144,281	\$ 3,182,484	\$ 3,961,797	\$ -	\$ -	\$ -	\$ 3,961,797
2002-03	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 2,711,305	\$ 84,178	\$ 2,627,127	\$ -	\$ -	\$ -	\$ 2,627,127
2002-03	Pupil Health Screenings	Ch. 1208/76	139	\$ 3,491,968	\$ 3,491,968	\$ -	\$ 2,397,890	\$ -	\$ 2,397,890	\$ (2,397,890)
2002-03	Pupil Promotion and Retention	Ch. 100/91	244	\$ 1,943,938	\$ 1,943,938	\$ -	\$ 25,317,281	\$ 2,721,523	\$ 22,595,758	\$ (22,595,758)
2002-03	Pupil Safety Notices	Ch. 498/83	280	\$ 5,874	\$ -	\$ 5,874	\$ -	\$ -	\$ -	\$ 5,874
2002-03	Removal of Chemicals	Ch. 1107/84	57	\$ 1,462,432	\$ 871,942	\$ 590,490	\$ -	\$ -	\$ -	\$ 590,490
2002-03	School Bus Safety I and II	Ch. 624/92	184	\$ 5,952	\$ -	\$ 5,952	\$ -	\$ -	\$ -	\$ 5,952
2002-03	School Crimes Reporting II	Ch. 1607/84	190	\$ 28,400	\$ -	\$ 28,400	\$ -	\$ -	\$ -	\$ 28,400
2002-03	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 774,664	\$ 416,834	\$ 357,830	\$ -	\$ -	\$ -	\$ 357,830
2002-03	Standardized Testing and Reporting	Ch. 828/97	208	\$ 25,792,241	\$ 10,177,025	\$ 15,615,216	\$ -	\$ -	\$ -	\$ 15,615,216
2002-03	Student Records	Ch. 593/89	308	\$ 38,314	\$ -	\$ 38,314	\$ -	\$ -	\$ -	\$ 38,314
2002-03	The Stull Act	Ch. 498/83	260	\$ 16,295,378	\$ 3,281,991	\$ 13,013,387	\$ -	\$ -	\$ -	\$ 13,013,387
2002-03 Total				\$ 285,183,051	\$ 74,679,036	\$ 210,504,015	\$ 29,682,678	\$ 4,079,506	\$ 25,603,172	\$ 184,900,843
2001-02	Academic Performance Index	Ch. 695/00	305	\$ 57,561	\$ -	\$ 57,561	\$ -	\$ -	\$ -	\$ 57,561
2001-02	AIDS Prevention Instruction	Ch. 818/91	123	\$ 3,563,107	\$ 3,563,107	\$ -	\$ 838,033	\$ 830,151	\$ 7,882	\$ (7,882)
2001-02	Annual Parent Notification II	Ch. 448/75	189	\$ (22,299)	\$ (22,299)	\$ -	\$ 155,672	\$ 155,518	\$ 154	\$ (154)
2001-02	California State Teachers' Retirement System (CalSTRS)									
2001-02	Service Credit	Ch. 603/94	286	\$ 33,574	\$ 31,669	\$ 1,905	\$ -	\$ -	\$ -	\$ 1,905
2001-02	Charter Schools	Ch. 781/92	140	\$ 2,451,336	\$ 2,451,336	\$ -	\$ 243,611	\$ 194,035	\$ 49,576	\$ (49,576)
2001-02	Charter Schools III	Ch. 34/98	277	\$ 1,100	\$ -	\$ 1,100	\$ -	\$ -	\$ -	\$ 1,100
2001-02	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 34,671,017	\$ 34,562,519	\$ 108,498	\$ 7,346,372	\$ 7,321,793	\$ 24,579	\$ 83,919
2001-02	Comprehensive School Safety Plans	Ch. 736/97	223	\$ 5,548,278	\$ 5,548,278	\$ -	\$ 14,656	\$ 9,604	\$ 5,052	\$ (5,052)

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2001-02	Comprehensive School Safety Plans II: Discrimination and Harassment Policy, and Hate Crime Reporting Procedures	Ch. 890/01; Ch. 506/02	311	\$ 6,973	\$ -	\$ 6,973	\$ -	\$ -	\$ -	\$ 6,973
2001-02	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 59,570	\$ -	\$ 59,570	\$ -	\$ -	\$ -	\$ 59,570
2001-02	Criminal Background Checks	Ch. 588/97	183	\$ 3,258,459	\$ 3,258,459	\$ -	\$ 2,332,978	\$ 2,329,690	\$ 3,288	\$ (3,288)
2001-02	Emergency Procedures: Earthquakes and Disasters	Ch. 1659/84	75	\$ 15,787,553	\$ 15,787,553	\$ -	\$ 4,530,020	\$ 4,527,017	\$ 3,003	\$ (3,003)
2001-02	Graduation Requirements	Ch. 498/83	26	\$ 7,956,244	\$ 7,956,244	\$ -	\$ 4,861,543	\$ 4,579,498	\$ 282,045	\$ (282,045)
2001-02	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 166,721,546	\$ 10,139,372	\$ 156,582,174	\$ -	\$ -	\$ -	\$ 156,582,174
2001-02	Grand Jury Proceedings	Ch. 1170/96	226	\$ 22,713	\$ 4,354	\$ 18,359	\$ -	\$ -	\$ -	\$ 18,359
2001-02	Habitual Truant	Ch. 1184/75	166	\$ 7,701,749	\$ 7,700,749	\$ 1,000	\$ 2,062,132	\$ 2,061,893	\$ 239	\$ 761
2001-02	High School Exit Examination	Ch. 1/99	268	\$ 2,153,703	\$ 126,570	\$ 2,027,133	\$ -	\$ -	\$ -	\$ 2,027,133
2001-02	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 1,807,989	\$ 1,807,989	\$ -	\$ 767,144	\$ 766,547	\$ 597	\$ (597)
2001-02	Intradistrict Attendance	Ch. 161/93	153	\$ 8,287,007	\$ 8,161,054	\$ 125,953	\$ 1,427,034	\$ 1,424,389	\$ 2,645	\$ 123,308
2001-02	Juvenile Court Notices II	Ch. 1423/84	155	\$ 798,088	\$ 798,088	\$ -	\$ 72,371	\$ 72,080	\$ 291	\$ (291)
2001-02	Law Enforcement Agency Notification	Ch. 1117/89	157	\$ 1,579,905	\$ 1,579,905	\$ -	\$ 818,310	\$ 816,980	\$ 1,330	\$ (1,330)
2001-02	Mandate Reimbursement Process	Ch. 486/75	42	\$ 18,513,506	\$ 18,513,506	\$ -	\$ 294,483	\$ 277,421	\$ 17,062	\$ (17,062)
2001-02	Open Meetings Act II	Ch. 641/86	201	\$ (25,166)	\$ (25,166)	\$ -	\$ 114,615	\$ 112,856	\$ 1,759	\$ (1,759)
2001-02	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 7,324,265	\$ 5,578,375	\$ 1,745,890	\$ 441,130	\$ 437,972	\$ 3,158	\$ 1,742,732
2001-02	Physical Performance Tests	Ch. 975/95	173	\$ 2,301,476	\$ 2,301,476	\$ -	\$ 299,866	\$ 299,485	\$ 381	\$ (381)
2001-02	Pupil Classroom Suspension: Counseling	Ch. 965/77	151	\$ 2,589,924	\$ 2,589,924	\$ -	\$ 269,837	\$ 268,611	\$ 1,226	\$ (1,226)
2001-02	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 2,441,052	\$ 81,273	\$ 2,359,779	\$ -	\$ -	\$ -	\$ 2,359,779
2001-02	Pupil Health Screenings	Ch. 1208/76	139	\$ 4,917,750	\$ 4,917,750	\$ -	\$ 648,062	\$ 646,501	\$ 1,561	\$ (1,561)
2001-02	Pupil Promotion and Retention	Ch. 100/91	244	\$ 2,162,205	\$ 2,162,205	\$ -	\$ 13,814,130	\$ 654,358	\$ 13,159,772	\$ (13,159,772)
2001-02	Pupil Safety Notices	Ch. 498/83	280	\$ 5,692	\$ -	\$ 5,692	\$ -	\$ -	\$ -	\$ 5,692
2001-02	Pupil Suspensions, Expulsions, and Expulsion Appeals	Ch. 1253/75	176	\$ 3,499,391	\$ 3,499,391	\$ -	\$ 1,708,202	\$ 1,704,261	\$ 3,941	\$ (3,941)
2001-02	Removal of Chemicals	Ch. 1107/84	57	\$ 1,494,853	\$ 1,204,975	\$ 289,878	\$ 548,259	\$ 546,569	\$ 1,690	\$ 288,188
2001-02	School Accountability Report Cards	Ch. 1463/89	171	\$ 4,549,931	\$ 4,549,931	\$ -	\$ 420,875	\$ 420,292	\$ 583	\$ (583)
2001-02	School Bus Safety I and II	Ch. 624/92	184	\$ 1,197,389	\$ 885,728	\$ 311,661	\$ -	\$ -	\$ -	\$ 311,661
2001-02	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 5,796,730	\$ 4,335,729	\$ 1,461,001	\$ 3,640,851	\$ 3,550,983	\$ 89,868	\$ 1,371,133
2001-02	Schoolsite Discipline Rules	Ch. 87/86	146	\$ 1,737,914	\$ 1,737,914	\$ -	\$ 251,028	\$ 250,166	\$ 862	\$ (862)
2001-02	Scoliosis Screening	Ch. 1347/80	58	\$ 2,443,018	\$ 2,443,018	\$ -	\$ 348,998	\$ 346,049	\$ 2,949	\$ (2,949)
2001-02	Standardized Testing and Reporting	Ch. 828/97	208	\$ 27,646,726	\$ 16,734,473	\$ 10,912,253	\$ 19,552	\$ 19,552	\$ -	\$ 10,912,253
2001-02	Student Records	Ch. 593/89	308	\$ 32,464	\$ -	\$ 32,464	\$ -	\$ -	\$ -	\$ 32,464
2001-02	The Stull Act	Ch. 498/83	260	\$ 15,629,733	\$ 3,129,644	\$ 12,500,089	\$ -	\$ -	\$ -	\$ 12,500,089
2001-02 Total				\$ 366,704,026	\$ 178,095,093	\$ 188,608,933	\$ 48,289,764	\$ 34,624,271	\$ 13,665,493	\$ 174,943,440
2000-01	Academic Performance Index	Ch. 695/00	305	\$ 51,150	\$ -	\$ 51,150	\$ -	\$ -	\$ -	\$ 51,150
2000-01	Annual Parent Notification II	Ch. 448/75	189	\$ 6,343,796	\$ 6,340,479	\$ 3,317	\$ 152,726	\$ 152,726	\$ -	\$ 3,317
2000-01	Charter Schools	Ch. 781/92	140	\$ 4,273,117	\$ 4,273,117	\$ -	\$ 84,614	\$ 77,063	\$ 7,551	\$ (7,551)
2000-01	Charter Schools III	Ch. 34/98	277	\$ 1,225	\$ -	\$ 1,225	\$ -	\$ -	\$ -	\$ 1,225

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2000-01	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 36,980,185	\$ 36,729,059	\$ 251,126	\$ 10,551,511	\$ 10,551,511	\$ -	\$ 251,126
2000-01	Consolidation of Pupil Discipline Records and Notification to Teachers: Pupils Subject to Suspension or Expulsion II	Ch. 345/00	291	\$ 23,166	\$ -	\$ 23,166	\$ -	\$ -	\$ -	\$ 23,166
2000-01	Criminal Background Checks	Ch. 588/97	183	\$ 5,005,596	\$ 5,005,596	\$ -	\$ 743,465	\$ 741,868	\$ 1,597	\$ (1,597)
2000-01	Emergency Procedures: Earthquakes and Disasters	Ch. 1659/84	75	\$ 19,422,607	\$ 19,422,607	\$ -	\$ 2,606,979	\$ 2,603,291	\$ 3,688	\$ (3,688)
2000-01	Graduation Requirements	Ch. 498/83	26	\$ 9,005,836	\$ 9,005,836	\$ -	\$ 6,748,371	\$ 6,695,184	\$ 53,187	\$ (53,187)
2000-01	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 156,351,241	\$ 8,200,063	\$ 148,151,178	\$ -	\$ -	\$ -	\$ 148,151,178
2000-01	Grand Jury Proceedings	Ch. 1170/96	226	\$ 5,759	\$ 1,214	\$ 4,545	\$ -	\$ -	\$ -	\$ 4,545
2000-01	Habitual Truant	Ch. 1184/75	166	\$ 8,137,633	\$ 8,137,633	\$ -	\$ 2,391,490	\$ 2,384,893	\$ 6,597	\$ (6,597)
2000-01	High School Exit Examination	Ch. 1/99	268	\$ 1,045,174	\$ 84,334	\$ 960,840	\$ -	\$ -	\$ -	\$ 960,840
2000-01	Intradistrict Attendance	Ch. 161/93	153	\$ 9,807,270	\$ 9,408,513	\$ 398,757	\$ 1,636,613	\$ 1,635,432	\$ 1,181	\$ 397,576
2000-01	Investment Reports	Ch. 783/95	169	\$ 231,880	\$ 231,880	\$ -	\$ 56,171	\$ 54,892	\$ 1,279	\$ (1,279)
2000-01	Mandate Reimbursement Process	Ch. 486/75	42	\$ 15,900,354	\$ 15,900,354	\$ -	\$ 488,975	\$ 483,395	\$ 5,580	\$ (5,580)
2000-01	Open Meetings Act	Ch. 641/86	92	\$ (4,198)	\$ (4,198)	\$ -	\$ 37,998	\$ 30,346	\$ 7,052	\$ (7,052)
2000-01	Open Meetings Act II	Ch. 641/86	201	\$ 10,170,474	\$ 9,699,375	\$ 471,099	\$ 124,736	\$ 119,796	\$ 4,940	\$ 466,159
2000-01	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 647,116	\$ 371,081	\$ 276,035	\$ -	\$ -	\$ -	\$ 276,035
2000-01	Physical Performance Tests	Ch. 975/95	173	\$ 2,328,246	\$ 2,328,246	\$ -	\$ 237,134	\$ 236,756	\$ 378	\$ (378)
2000-01	Pupil Exclusions	Ch. 668/78	165	\$ 812,312	\$ 812,312	\$ -	\$ 1,646,971	\$ 1,646,298	\$ 673	\$ (673)
2000-01	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 2,328,868	\$ 56,896	\$ 2,271,972	\$ -	\$ -	\$ -	\$ 2,271,972
2000-01	Pupil Health Screenings	Ch. 1208/76	139	\$ 5,225,419	\$ 5,225,419	\$ -	\$ 301,477	\$ 300,847	\$ 630	\$ (630)
2000-01	Removal of Chemicals	Ch. 1107/84	57	\$ 1,047,563	\$ 989,407	\$ 58,156	\$ 780,671	\$ 780,671	\$ -	\$ 58,156
2000-01	School Bus Safety I and II	Ch. 624/92	184	\$ 2,841,930	\$ 2,666,619	\$ 175,311	\$ 2,356	\$ 2,356	\$ -	\$ 175,311
2000-01	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 2,936,742	\$ 2,012,319	\$ 924,423	\$ 4,517,252	\$ 4,441,596	\$ 75,656	\$ 848,767
2000-01	Scoliosis Screening	Ch. 1347/80	58	\$ 2,597,375	\$ 2,597,375	\$ -	\$ 227,843	\$ 227,326	\$ 517	\$ (517)
2000-01	Standardized Testing and Reporting	Ch. 828/97	208	\$ 23,099,284	\$ 19,143,866	\$ 3,955,418	\$ 883,889	\$ 883,889	\$ -	\$ 3,955,418
2000-01	The Stull Act	Ch. 498/83	260	\$ 12,930,375	\$ 1,824,537	\$ 11,105,838	\$ -	\$ -	\$ -	\$ 11,105,838
2000-01 Total				\$ 339,547,495	\$ 170,463,939	\$ 169,083,556	\$ 34,220,642	\$ 34,050,136	\$ 170,506	\$ 168,913,050
1999-00	Charter Schools	Ch. 781/92	140	\$ 3,778,490	\$ 3,778,490	\$ -	\$ 66,628	\$ 64,889	\$ 1,739	\$ (1,739)
1999-00	Charter Schools III	Ch. 34/98	277	\$ 1,005	\$ -	\$ 1,005	\$ -	\$ -	\$ -	\$ 1,005
1999-00	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 43,275,122	\$ 43,275,122	\$ -	\$ 5,245,736	\$ 5,240,272	\$ 5,464	\$ (5,464)
1999-00	Graduation Requirements	Ch. 498/83	26	\$ 7,457,120	\$ 7,457,120	\$ -	\$ 1,014,331	\$ 983,829	\$ 30,502	\$ (30,502)
1999-00	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 136,355,794	\$ 6,689,479	\$ 129,666,315	\$ -	\$ -	\$ -	\$ 129,666,315
1999-00	Grand Jury Proceedings	Ch. 1170/96	226	\$ 2,764	\$ -	\$ 2,764	\$ -	\$ -	\$ -	\$ 2,764
1999-00	Intradistrict Attendance	Ch. 161/93	153	\$ 10,821,278	\$ 10,624,010	\$ 197,268	\$ 593,229	\$ 593,229	\$ -	\$ 197,268
1999-00	Mandate Reimbursement Process	Ch. 486/75	42	\$ 14,287,192	\$ 14,287,192	\$ -	\$ 111,664	\$ 111,537	\$ 127	\$ (127)
1999-00	Open Meetings Act	Ch. 641/86	92	\$ 4,416,671	\$ 4,416,671	\$ -	\$ 67,236	\$ 67,019	\$ 217	\$ (217)
1999-00	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 222,400	\$ 169,307	\$ 53,093	\$ -	\$ -	\$ -	\$ 53,093

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As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
1999-00	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 1,764,629	\$ 58,254	\$ 1,706,375	\$ -	\$ -	\$ -	\$ 1,706,375
1999-00	Removal of Chemicals	Ch. 1107/84	57	\$ 1,287,916	\$ 1,282,916	\$ 5,000	\$ 633,360	\$ 633,360	\$ -	\$ 5,000
1999-00	School Bus Safety	Ch. 624/92	137	\$ (1,965)	\$ (1,965)	\$ -	\$ 9,508	\$ 9,266	\$ 242	\$ (242)
1999-00	School Bus Safety I and II	Ch. 624/92	184	\$ 3,633,925	\$ 3,529,952	\$ 103,973	\$ 21,765	\$ 21,752	\$ 13	\$ 103,960
1999-00	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 3,808,205	\$ 3,289,153	\$ 519,052	\$ 1,122,365	\$ 1,122,365	\$ -	\$ 519,052
1999-00	Standardized Testing and Reporting	Ch. 828/97	208	\$ 24,357,760	\$ 19,638,286	\$ 4,719,474	\$ 441,293	\$ 441,293	\$ -	\$ 4,719,474
1999-00	The Stull Act	Ch. 498/83	260	\$ 10,987,978	\$ 1,530,117	\$ 9,457,861	\$ -	\$ -	\$ -	\$ 9,457,861
1999-00 Total				\$ 266,456,284	\$ 120,024,104	\$ 146,432,180	\$ 9,327,115	\$ 9,288,811	\$ 38,304	\$ 146,393,876
1998-99	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 44,841,220	\$ 44,841,220	\$ -	\$ 4,763,751	\$ 4,753,555	\$ 10,196	\$ (10,196)
1998-99	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 113,120,944	\$ 10,905,555	\$ 102,215,389	\$ -	\$ -	\$ -	\$ 102,215,389
1998-99	Grand Jury Proceedings	Ch. 1170/96	226	\$ 6,697	\$ -	\$ 6,697	\$ -	\$ -	\$ -	\$ 6,697
1998-99	Mandate Reimbursement Process	Ch. 486/75	42	\$ 11,713,000	\$ 11,713,000	\$ -	\$ 1,237,169	\$ 1,236,569	\$ 600	\$ (600)
1998-99	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 188,974	\$ 140,120	\$ 48,854	\$ -	\$ -	\$ -	\$ 48,854
1998-99	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 1,996,485	\$ 78,291	\$ 1,918,194	\$ -	\$ -	\$ -	\$ 1,918,194
1998-99	Pupil Promotion and Retention	Ch. 100/91	244	\$ 860,408	\$ 860,408	\$ -	\$ 3,186,168	\$ 1,769,275	\$ 1,416,893	\$ (1,416,893)
1998-99	School Accountability Report Cards	Ch. 1463/89	171	\$ 2,804,864	\$ 2,804,864	\$ -	\$ 484,721	\$ 484,421	\$ 300	\$ (300)
1998-99	School Bus Safety I and II	Ch. 624/92	184	\$ 128,045	\$ 127,206	\$ 839	\$ 21,349	\$ 21,349	\$ -	\$ 839
1998-99	Standardized Testing and Reporting	Ch. 828/97	208	\$ 10,514,036	\$ 5,535,326	\$ 4,978,710	\$ 448,830	\$ 448,830	\$ -	\$ 4,978,710
1998-99	The Stull Act	Ch. 498/83	260	\$ 8,470,404	\$ 1,347,193	\$ 7,123,211	\$ -	\$ -	\$ -	\$ 7,123,211
1998-99 Total				\$ 194,645,077	\$ 78,353,183	\$ 116,291,894	\$ 10,141,988	\$ 8,713,999	\$ 1,427,989	\$ 114,863,905
1997-98	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 36,462,408	\$ 36,462,408	\$ -	\$ 6,956,351	\$ 6,944,813	\$ 11,538	\$ (11,538)
1997-98	Emergency Procedures: Earthquakes and Disasters	Ch. 1659/84	75	\$ 21,038,713	\$ 20,874,968	\$ 163,745	\$ 1,479,796	\$ 1,479,331	\$ 465	\$ 163,280
1997-98	Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 498/93	295	\$ 104,027,444	\$ 5,388,570	\$ 98,638,874	\$ -	\$ -	\$ -	\$ 98,638,874
1997-98	Grand Jury Proceedings	Ch. 1170/96	226	\$ 12,832	\$ -	\$ 12,832	\$ -	\$ -	\$ -	\$ 12,832
1997-98	Interdistrict Attendance Permits	Ch. 172/86	148	\$ 1,779,604	\$ 1,779,604	\$ -	\$ 249,145	\$ 248,887	\$ 258	\$ (258)
1997-98	Interdistrict Transfer Requests: Parent's Employment	Ch. 172/86	149	\$ 1,090,110	\$ 1,090,110	\$ -	\$ 437,671	\$ 436,936	\$ 735	\$ (735)
1997-98	Open Meetings Act	Ch. 641/86	92	\$ 3,396,990	\$ 3,396,990	\$ -	\$ 223,087	\$ 220,400	\$ 2,687	\$ (2,687)
1997-98	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 181,731	\$ 143,086	\$ 38,645	\$ -	\$ -	\$ -	\$ 38,645
1997-98	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 1,554,418	\$ 36,712	\$ 1,517,706	\$ -	\$ -	\$ -	\$ 1,517,706
1997-98	School Bus Safety I and II	Ch. 624/92	184	\$ 133,174	\$ 133,050	\$ 124	\$ 2,452	\$ 2,452	\$ -	\$ 124
1997-98	Standardized Testing and Reporting	Ch. 828/97	208	\$ 8,558,530	\$ 4,199,178	\$ 4,359,352	\$ 181,143	\$ 181,143	\$ -	\$ 4,359,352
1997-98	The Stull Act	Ch. 498/83	260	\$ 7,592,373	\$ 1,612,698	\$ 5,979,675	\$ -	\$ -	\$ -	\$ 5,979,675
1997-98 Total				\$ 185,828,327	\$ 75,117,374	\$ 110,710,953	\$ 9,529,645	\$ 9,513,962	\$ 15,683	\$ 110,695,270
1996-97	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 35,731,370	\$ 35,731,370	\$ -	\$ 8,222,200	\$ 8,207,235	\$ 14,965	\$ (14,965)

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
1996-97	Emergency Procedures: Earthquakes and Disasters Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 1659/84	75	\$ 9,323,864	\$ 9,185,547	\$ 138,317	\$ 465,947	\$ 465,947	\$ -	\$ 138,317
1996-97	Open Meetings Act	Ch. 498/93	295	\$ 91,415,568	\$ 2,345,578	\$ 89,069,990	\$ -	\$ -	\$ -	\$ 89,069,990
1996-97	Open Meetings Act/Brown Act Reform	Ch. 641/86	92	\$ 2,713,598	\$ 2,713,598	\$ -	\$ 217,201	\$ 217,050	\$ 151	\$ (151)
1996-97	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 641/86	218	\$ 169,539	\$ 113,805	\$ 55,734	\$ -	\$ -	\$ -	\$ 55,734
1996-97	School Bus Safety I and II	Ch. 1253/75	271	\$ 1,474,140	\$ 25,877	\$ 1,448,263	\$ -	\$ -	\$ -	\$ 1,448,263
1996-97	School District of Choice: Transfers and Appeals	Ch. 624/92	184	\$ 87,816	\$ 86,193	\$ 1,623	\$ -	\$ -	\$ -	\$ 1,623
1996-97	Scoliosis Screening	Ch. 160/93	156	\$ 5,772,216	\$ 5,772,216	\$ -	\$ 136,699	\$ 136,651	\$ 48	\$ (48)
1996-97		Ch. 1347/80	58	\$ 2,051,761	\$ 2,051,761	\$ -	\$ 64,789	\$ 64,485	\$ 304	\$ (304)
1996-97 Total				\$ 148,739,872	\$ 58,025,945	\$ 90,713,927	\$ 9,106,836	\$ 9,091,368	\$ 15,468	\$ 90,698,459
1995-96	AIDS Prevention Instruction	Ch. 818/91	123	\$ 2,063,016	\$ 2,063,016	\$ -	\$ 691,837	\$ 691,774	\$ 63	\$ (63)
1995-96	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 31,593,705	\$ 31,593,705	\$ -	\$ 9,201,086	\$ 9,191,407	\$ 9,679	\$ (9,679)
1995-96	Credent Monitoring	Ch. 1376/87	79	\$ 2,929,406	\$ 2,929,406	\$ -	\$ 60,858	\$ 60,790	\$ 68	\$ (68)
1995-96	Emergency Procedures: Earthquakes and Disasters Graduation Requirements (07/01/1995 to 06/30/2004)	Ch. 1659/84	75	\$ 7,354,211	\$ 7,354,211	\$ -	\$ 62,469	\$ 62,179	\$ 290	\$ (290)
1995-96	Open Meetings Act	Ch. 498/93	295	\$ 84,781,284	\$ 2,150,637	\$ 82,630,647	\$ -	\$ -	\$ -	\$ 82,630,647
1995-96	Open Meetings Act/Brown Act Reform	Ch. 641/86	92	\$ 1,774,560	\$ 1,774,560	\$ -	\$ 208,523	\$ 208,225	\$ 298	\$ (298)
1995-96	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 641/86	218	\$ 160,444	\$ 107,574	\$ 52,870	\$ -	\$ -	\$ -	\$ 52,870
1995-96	School District of Choice: Transfers and Appeals	Ch. 1253/75	271	\$ 1,505,054	\$ 32,204	\$ 1,472,850	\$ -	\$ -	\$ -	\$ 1,472,850
1995-96	School Testing - Physical Fitness	Ch. 160/93	156	\$ 4,726,009	\$ 4,726,009	\$ -	\$ 86,368	\$ 86,324	\$ 44	\$ (44)
1995-96		Ch. 1675/84	115	\$ 562,926	\$ 562,926	\$ -	\$ 219,834	\$ 219,565	\$ 269	\$ (269)
1995-96 Total				\$ 137,450,615	\$ 53,294,248	\$ 84,156,367	\$ 10,530,975	\$ 10,520,264	\$ 10,711	\$ 84,145,656
1994-95	Open Meetings Act	Ch. 641/86	92	\$ 1,128,612	\$ 1,128,612	\$ -	\$ 2,880	\$ 1,950	\$ 930	\$ (930)
1994-95	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 143,107	\$ 93,725	\$ 49,382	\$ -	\$ -	\$ -	\$ 49,382
1994-95	Pupil Classroom Suspension: Counseling	Ch. 965/77	151	\$ 544,631	\$ 544,631	\$ -	\$ 3,055	\$ 2,643	\$ 412	\$ (412)
1994-95	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 1,394,717	\$ 37,648	\$ 1,357,069	\$ -	\$ -	\$ -	\$ 1,357,069
1994-95	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 4,230,530	\$ 4,230,530	\$ -	\$ 73,525	\$ 73,477	\$ 48	\$ (48)
1994-95 Total				\$ 7,441,597	\$ 6,035,146	\$ 1,406,451	\$ 79,460	\$ 78,070	\$ 1,390	\$ 1,405,061
1993-94	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 29,969,495	\$ 29,969,495	\$ -	\$ 3,859,762	\$ 3,792,203	\$ 67,559	\$ (67,559)
1993-94	Open Meetings Act	Ch. 641/86	92	\$ 748,308	\$ 748,308	\$ -	\$ 551	\$ -	\$ 551	\$ (551)
1993-94	Open Meetings Act/Brown Act Reform	Ch. 641/86	218	\$ 44,199	\$ 30,996	\$ 13,203	\$ -	\$ -	\$ -	\$ 13,203
1993-94	Pupil Expulsions from School: Additional Hearing Costs for Mandatory Recommendations for Expulsion	Ch. 1253/75	271	\$ 1,216,367	\$ 48,134	\$ 1,168,233	\$ -	\$ -	\$ -	\$ 1,168,233
1993-94	School District of Choice: Transfers and Appeals	Ch. 160/93	156	\$ 2,184,496	\$ 2,184,496	\$ -	\$ 32,867	\$ 32,835	\$ 32	\$ (32)
1993-94 Total				\$ 34,162,865	\$ 32,981,429	\$ 1,181,436	\$ 3,893,180	\$ 3,825,038	\$ 68,142	\$ 1,113,294
1992-93	Civic Center Act	Ch. 49/84	114	\$ 11,846,195	\$ 11,846,195	\$ -	\$ 1,179,938	\$ 1,179,552	\$ 386	\$ (386)

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
1992-93	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	11	\$ 29,309,461	\$ 29,309,461	\$ -	\$ 3,004,258	\$ 2,983,106	\$ 21,152	\$ (21,152)
1992-93	Credent Monitoring	Ch. 1376/87	79	\$ 1,853,410	\$ 1,853,216	\$ 194	\$ 654,070	\$ 649,037	\$ 5,033	\$ (4,839)
1992-93 Total				\$ 43,009,066	\$ 43,008,872	\$ 194	\$ 4,838,266	\$ 4,811,695	\$ 26,571	\$ (26,378)
1991-92	Civic Center Act	Ch. 49/84	114	\$ 10,650,345	\$ 10,650,345	\$ -	\$ 1,058,329	\$ 1,057,915	\$ 414	\$ (414)
1991-92	Open Meetings Act	Ch. 641/86	92	\$ 869,812	\$ 869,812	\$ -	\$ 302,710	\$ 302,634	\$ 76	\$ (76)
1991-92 Total				\$ 11,520,157	\$ 11,520,157	\$ -	\$ 1,361,039	\$ 1,360,549	\$ 490	\$ (490)
1990-91	Civic Center Act	Ch. 49/84	114	\$ 9,961,940	\$ 9,961,940	\$ -	\$ 1,019,995	\$ 1,019,595	\$ 400	\$ (400)
1990-91	Graduation Requirements	Ch. 498/83	26	\$ 5,435,894	\$ 5,435,894	\$ -	\$ 2,940,929	\$ 2,574,050	\$ 366,879	\$ (366,879)
1990-91 Total				\$ 15,397,834	\$ 15,397,834	\$ -	\$ 3,960,924	\$ 3,593,645	\$ 367,279	\$ (367,279)
1989-90	Civic Center Act	Ch. 49/84	114	\$ 9,684,270	\$ 9,684,270	\$ -	\$ 954,100	\$ 953,623	\$ 477	\$ (477)
1989-90	Graduation Requirements	Ch. 498/83	26	\$ 8,260,170	\$ 8,260,170	\$ -	\$ 611,477	\$ 555,788	\$ 55,689	\$ (55,689)
1989-90 Total				\$ 17,944,440	\$ 17,944,440	\$ -	\$ 1,565,577	\$ 1,509,411	\$ 56,166	\$ (56,166)
1988-89	Civic Center Act	Ch. 49/84	114	\$ 8,195,968	\$ 8,195,968	\$ -	\$ 880,183	\$ 879,682	\$ 501	\$ (501)
1988-89 Total				\$ 8,195,968	\$ 8,195,968	\$ -	\$ 880,183	\$ 879,682	\$ 501	\$ (501)
1987-88	Civic Center Act	Ch. 49/84	114	\$ 8,055,062	\$ 8,055,062	\$ -	\$ 803,598	\$ 803,123	\$ 475	\$ (475)
1987-88 Total				\$ 8,055,062	\$ 8,055,062	\$ -	\$ 803,598	\$ 803,123	\$ 475	\$ (475)
1986-87	Civic Center Act	Ch. 49/84	114	\$ 7,376,797	\$ 7,376,797	\$ -	\$ 727,817	\$ 726,898	\$ 919	\$ (919)
1986-87 Total				\$ 7,376,797	\$ 7,376,797	\$ -	\$ 727,817	\$ 726,898	\$ 919	\$ (919)
1985-86	Civic Center Act	Ch. 49/84	114	\$ 7,513,308	\$ 7,513,308	\$ -	\$ 588,899	\$ 588,367	\$ 532	\$ (532)
1985-86 Total				\$ 7,513,308	\$ 7,513,308	\$ -	\$ 588,899	\$ 588,367	\$ 532	\$ (532)
Grand Total				\$ 5,167,317,567	\$ 1,416,030,688	\$ 3,751,286,879	\$ 202,703,682	\$ 152,321,190	\$ 50,382,492	\$ 3,700,904,387

**Schedule B4:
Community College Districts**

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2010-11	Agency Fee Arrangements	Ch. 893/00	270	\$ 38,850	\$ 1,000	\$ 37,850	\$ -	\$ -	\$ -	\$ 37,850
2010-11	California Grants	Ch. 403/00	302	\$ 12,150	\$ 1,000	\$ 11,150	\$ -	\$ -	\$ -	\$ 11,150
2010-11	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 36,568	\$ 1,000	\$ 35,568	\$ -	\$ -	\$ -	\$ 35,568
2010-11	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 4,100,167	\$ 1,000	\$ 4,099,167	\$ -	\$ -	\$ -	\$ 4,099,167
2010-11	Enrollment Fee Collection and Waivers	Title 5	267	\$ 16,583,065	\$ 1,000	\$ 16,582,065	\$ -	\$ -	\$ -	\$ 16,582,065
2010-11	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 6,148,447	\$ 1,000	\$ 6,147,447	\$ -	\$ -	\$ -	\$ 6,147,447
2010-11	Integrated Waste Management	Ch. 1116/92	256	\$ 457,035	\$ -	\$ 457,035	\$ -	\$ -	\$ -	\$ 457,035
2010-11	Mandate Reimbursement Process	Ch. 486/75	237	\$ 651,197	\$ 1,000	\$ 650,197	\$ -	\$ -	\$ -	\$ 650,197
2010-11	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,490,985	\$ 1,000	\$ 1,489,985	\$ -	\$ -	\$ -	\$ 1,489,985
2010-11	Prevailing Wage Rate	Ch. 1249/78	303	\$ 71,811	\$ 1,000	\$ 70,811	\$ -	\$ -	\$ -	\$ 70,811
2010-11	Tuition Fee Waivers	Ch. 36/77	301	\$ 862,092	\$ 1,000	\$ 861,092	\$ -	\$ -	\$ -	\$ 861,092
2010-11 Total				\$ 30,452,367	\$ 10,000	\$ 30,442,367	\$ -	\$ -	\$ -	\$ 30,442,367
2009-10	California Grants	Ch. 403/00	302	\$ 20,636	\$ -	\$ 20,636	\$ -	\$ -	\$ -	\$ 20,636
2009-10	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 4,792,797	\$ 444,000	\$ 4,348,797	\$ -	\$ -	\$ -	\$ 4,348,797
2009-10	Enrollment Fee Collection and Waivers	Title 5	267	\$ 21,396,979	\$ 2,999,999	\$ 18,396,980	\$ -	\$ -	\$ -	\$ 18,396,980
2009-10	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 4,395,907	\$ 2,573,802	\$ 1,822,105	\$ 603,794	\$ 256,603	\$ 347,191	\$ 1,474,914
2009-10	Integrated Waste Management	Ch. 1116/92	256	\$ 2,211,666	\$ -	\$ 2,211,666	\$ -	\$ -	\$ -	\$ 2,211,666
2009-10	Mandate Reimbursement Process	Ch. 486/75	237	\$ 685,092	\$ -	\$ 685,092	\$ -	\$ -	\$ -	\$ 685,092
2009-10	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,405,673	\$ -	\$ 1,405,673	\$ -	\$ -	\$ -	\$ 1,405,673
2009-10	Prevailing Wage Rate	Ch. 1249/78	303	\$ 83,173	\$ -	\$ 83,173	\$ -	\$ -	\$ -	\$ 83,173
2009-10	Sexual Assault Response Procedures	Ch. 423/90	247	\$ 1,421	\$ -	\$ 1,421	\$ -	\$ -	\$ -	\$ 1,421
2009-10	Student Records	Ch. 593/89	307	\$ 1,170	\$ -	\$ 1,170	\$ -	\$ -	\$ -	\$ 1,170
2009-10	Tuition Fee Waivers	Ch. 36/77	301	\$ 763,416	\$ 13,000	\$ 750,416	\$ -	\$ -	\$ -	\$ 750,416
2009-10 Total				\$ 35,757,930	\$ 6,030,801	\$ 29,727,129	\$ 603,794	\$ 256,603	\$ 347,191	\$ 29,379,938
2008-09	California Grants	Ch. 403/00	302	\$ 23,555	\$ -	\$ 23,555	\$ -	\$ -	\$ -	\$ 23,555
2008-09	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 5,255,258	\$ 602,002	\$ 4,653,256	\$ -	\$ -	\$ -	\$ 4,653,256
2008-09	Enrollment Fee Collection and Waivers	Title 5	267	\$ 26,776,653	\$ 3,662,165	\$ 23,114,488	\$ -	\$ -	\$ -	\$ 23,114,488
2008-09	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 6,006,587	\$ 5,583,441	\$ 423,146	\$ 510,365	\$ 381,373	\$ 128,992	\$ 294,154
2008-09	Integrated Waste Management	Ch. 1116/92	256	\$ 6,326,880	\$ -	\$ 6,326,880	\$ -	\$ -	\$ -	\$ 6,326,880
2008-09	Mandate Reimbursement Process	Ch. 486/75	237	\$ 775,809	\$ 6,395	\$ 769,414	\$ -	\$ -	\$ -	\$ 769,414
2008-09	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,475,222	\$ -	\$ 1,475,222	\$ -	\$ -	\$ -	\$ 1,475,222
2008-09	Prevailing Wage Rate	Ch. 1249/78	303	\$ 63,845	\$ -	\$ 63,845	\$ -	\$ -	\$ -	\$ 63,845
2008-09	Reporting Improper Governmental Activities	Ch. 416/01	294	\$ 14,940	\$ 14,000	\$ 940	\$ -	\$ -	\$ -	\$ 940
2008-09	Tuition Fee Waivers	Ch. 36/77	301	\$ 642,515	\$ -	\$ 642,515	\$ -	\$ -	\$ -	\$ 642,515
2008-09 Total				\$ 47,361,264	\$ 9,868,003	\$ 37,493,261	\$ 510,365	\$ 381,373	\$ 128,992	\$ 37,364,269
2007-08	Agency Fee Arrangements	Ch. 893/00	270	\$ 107,612	\$ 6,763	\$ 100,849	\$ -	\$ -	\$ -	\$ 100,849
2007-08	California Grants	Ch. 403/00	302	\$ 23,844	\$ -	\$ 23,844	\$ -	\$ -	\$ -	\$ 23,844
2007-08	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 65,504	\$ -	\$ 65,504	\$ -	\$ -	\$ -	\$ 65,504
2007-08	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 6,507,511	\$ 60,759	\$ 6,446,752	\$ -	\$ -	\$ -	\$ 6,446,752
2007-08	Enrollment Fee Collection and Waivers	Title 5	267	\$ 22,113,234	\$ -	\$ 22,113,234	\$ -	\$ -	\$ -	\$ 22,113,234
2007-08	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 3,811,589	\$ 2,049,817	\$ 1,761,772	\$ 2,070,733	\$ 917,501	\$ 1,153,232	\$ 608,540

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2007-08	Integrated Waste Management	Ch. 1116/92	256	\$ 4,710,636	\$ -	\$ 4,710,636	\$ -	\$ -	\$ -	\$ 4,710,636
2007-08	Mandate Reimbursement Process	Ch. 486/75	237	\$ 707,987	\$ -	\$ 707,987	\$ -	\$ -	\$ -	\$ 707,987
2007-08	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,225,722	\$ 68,719	\$ 1,157,003	\$ -	\$ -	\$ -	\$ 1,157,003
2007-08	Prevailing Wage Rate	Ch. 1249/78	303	\$ 86,420	\$ -	\$ 86,420	\$ -	\$ -	\$ -	\$ 86,420
2007-08	Reporting Improper Governmental Activities	Ch. 416/01	294	\$ 28,548	\$ -	\$ 28,548	\$ -	\$ -	\$ -	\$ 28,548
2007-08	Tuition Fee Waivers	Ch. 36/77	301	\$ 827,080	\$ -	\$ 827,080	\$ -	\$ -	\$ -	\$ 827,080
2007-08 Total				\$ 40,215,687	\$ 2,186,058	\$ 38,029,629	\$ 2,070,733	\$ 917,501	\$ 1,153,232	\$ 36,876,397
2006-07	Agency Fee Arrangements	Ch. 893/00	270	\$ 83,423	\$ -	\$ 83,423	\$ -	\$ -	\$ -	\$ 83,423
2006-07	California Grants	Ch. 403/00	302	\$ 21,582	\$ -	\$ 21,582	\$ -	\$ -	\$ -	\$ 21,582
2006-07	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 57,897	\$ -	\$ 57,897	\$ -	\$ -	\$ -	\$ 57,897
2006-07	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 6,202,489	\$ 153,668	\$ 6,048,821	\$ -	\$ -	\$ -	\$ 6,048,821
2006-07	Enrollment Fee Collection and Waivers	Title 5	267	\$ 15,525,120	\$ -	\$ 15,525,120	\$ -	\$ -	\$ -	\$ 15,525,120
2006-07	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 2,287,353	\$ 893,735	\$ 1,393,618	\$ 3,094,765	\$ 2,026,098	\$ 1,068,667	\$ 324,951
2006-07	Integrated Waste Management	Ch. 1116/92	256	\$ 4,154,658	\$ -	\$ 4,154,658	\$ -	\$ -	\$ -	\$ 4,154,658
2006-07	Mandate Reimbursement Process	Ch. 486/75	237	\$ 853,887	\$ -	\$ 853,887	\$ -	\$ -	\$ -	\$ 853,887
2006-07	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,150,873	\$ 2,083	\$ 1,148,790	\$ -	\$ -	\$ -	\$ 1,148,790
2006-07	Prevailing Wage Rate	Ch. 1249/78	303	\$ 72,835	\$ -	\$ 72,835	\$ -	\$ -	\$ -	\$ 72,835
2006-07	Tuition Fee Waivers	Ch. 36/77	301	\$ 821,439	\$ -	\$ 821,439	\$ -	\$ -	\$ -	\$ 821,439
2006-07 Total				\$ 31,231,556	\$ 1,049,486	\$ 30,182,070	\$ 3,094,765	\$ 2,026,098	\$ 1,068,667	\$ 29,113,403
2005-06	Agency Fee Arrangements	Ch. 893/00	270	\$ 48,319	\$ -	\$ 48,319	\$ -	\$ -	\$ -	\$ 48,319
2005-06	California Grants	Ch. 403/00	302	\$ 20,617	\$ -	\$ 20,617	\$ -	\$ -	\$ -	\$ 20,617
2005-06	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 55,370	\$ -	\$ 55,370	\$ -	\$ -	\$ -	\$ 55,370
2005-06	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 5,495,764	\$ 152,149	\$ 5,343,615	\$ -	\$ -	\$ -	\$ 5,343,615
2005-06	Enrollment Fee Collection and Waivers	Title 5	267	\$ 16,401,242	\$ -	\$ 16,401,242	\$ -	\$ -	\$ -	\$ 16,401,242
2005-06	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 3,207,813	\$ 98,174	\$ 3,109,639	\$ -	\$ -	\$ -	\$ 3,109,639
2005-06	Integrated Waste Management	Ch. 1116/92	256	\$ 4,243,528	\$ 103,900	\$ 4,139,628	\$ -	\$ -	\$ -	\$ 4,139,628
2005-06	Mandate Reimbursement Process	Ch. 486/75	237	\$ 884,380	\$ 884,380	\$ -	\$ 159,704	\$ 145,885	\$ 13,819	\$ (13,819)
2005-06	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 967,993	\$ 62,945	\$ 905,048	\$ 108,270	\$ 105,462	\$ 2,808	\$ 902,240
2005-06	Prevailing Wage Rate	Ch. 1249/78	303	\$ 151,809	\$ -	\$ 151,809	\$ -	\$ -	\$ -	\$ 151,809
2005-06	Tuition Fee Waivers	Ch. 36/77	301	\$ 771,160	\$ -	\$ 771,160	\$ -	\$ -	\$ -	\$ 771,160
2005-06 Total				\$ 32,247,995	\$ 1,301,548	\$ 30,946,447	\$ 267,974	\$ 251,347	\$ 16,627	\$ 30,929,820
2004-05	Agency Fee Arrangements	Ch. 893/00	270	\$ 44,561	\$ -	\$ 44,561	\$ -	\$ -	\$ -	\$ 44,561
2004-05	California Grants	Ch. 403/00	302	\$ 18,380	\$ -	\$ 18,380	\$ -	\$ -	\$ -	\$ 18,380
2004-05	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 44,826	\$ -	\$ 44,826	\$ -	\$ -	\$ -	\$ 44,826
2004-05	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 7,277,259	\$ 1,701,273	\$ 5,575,986	\$ -	\$ -	\$ -	\$ 5,575,986
2004-05	Enrollment Fee Collection and Waivers	Title 5	267	\$ 14,801,946	\$ 253,258	\$ 14,548,688	\$ -	\$ -	\$ -	\$ 14,548,688
2004-05	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 7,032,360	\$ 2,651,721	\$ 4,380,639	\$ -	\$ -	\$ -	\$ 4,380,639
2004-05	Integrated Waste Management	Ch. 1116/92	256	\$ 4,155,410	\$ 635,895	\$ 3,519,515	\$ -	\$ -	\$ -	\$ 3,519,515
2004-05	Prevailing Wage Rate	Ch. 1249/78	303	\$ 39,068	\$ -	\$ 39,068	\$ -	\$ -	\$ -	\$ 39,068
2004-05	Tuition Fee Waivers	Ch. 36/77	301	\$ 678,167	\$ -	\$ 678,167	\$ -	\$ -	\$ -	\$ 678,167
2004-05 Total				\$ 34,091,977	\$ 5,242,147	\$ 28,849,830	\$ -	\$ -	\$ -	\$ 28,849,830

State Controller's Office
 Division of Accounting and Reporting
 State Mandated Programs by Fiscal Year 2010-11 and Prior Years
 Claims Received/Adjusted, Payments, Receivables, and Net Deficiencies and Surpluses
 As of September 30, 2012

Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)			ACCOUNTS RECEIVABLE (A/R)			Net Balance
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount	A/R Balance	
2003-04	Agency Fee Arrangements	Ch. 893/00	270	\$ 44,823	\$ -	\$ 44,823	\$ -	\$ -	\$ -	\$ 44,823
2003-04	California Grants	Ch. 403/00	302	\$ 22,466	\$ -	\$ 22,466	\$ -	\$ -	\$ -	\$ 22,466
2003-04	California State Teachers' Retirement System (CalSTRS) Service Credit	Ch. 603/94	287	\$ 41,545	\$ 7,708	\$ 33,837	\$ -	\$ -	\$ -	\$ 33,837
2003-04	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 7,314,173	\$ 4,987,683	\$ 2,326,490	\$ -	\$ -	\$ -	\$ 2,326,490
2003-04	Enrollment Fee Collection and Waivers	Title 5	267	\$ 15,032,652	\$ 155,838	\$ 14,876,814	\$ -	\$ -	\$ -	\$ 14,876,814
2003-04	Integrated Waste Management	Ch. 1116/92	256	\$ 3,906,635	\$ 509,351	\$ 3,397,284	\$ -	\$ -	\$ -	\$ 3,397,284
2003-04	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,117,296	\$ 1,100,666	\$ 16,630	\$ -	\$ -	\$ -	\$ 16,630
2003-04	Prevailing Wage Rate	Ch. 1249/78	303	\$ 28,285	\$ -	\$ 28,285	\$ -	\$ -	\$ -	\$ 28,285
2003-04	Tuition Fee Waivers	Ch. 36/77	301	\$ 629,328	\$ -	\$ 629,328	\$ -	\$ -	\$ -	\$ 629,328
2003-04 Total				\$ 28,137,203	\$ 6,761,246	\$ 21,375,957	\$ -	\$ -	\$ -	\$ 21,375,957
2002-03	Agency Fee Arrangements	Ch. 893/00	270	\$ 48,740	\$ 30,019	\$ 18,721	\$ -	\$ -	\$ -	\$ 18,721
2002-03	California Grants	Ch. 403/00	302	\$ 22,639	\$ 3,596	\$ 19,043	\$ -	\$ -	\$ -	\$ 19,043
2002-03	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 7,694,198	\$ 7,694,198	\$ -	\$ 595,489	\$ 374,750	\$ 220,739	\$ (220,739)
2002-03	Enrollment Fee Collection and Waivers	Title 5	267	\$ 16,695,150	\$ 1,706,789	\$ 14,988,361	\$ -	\$ -	\$ -	\$ 14,988,361
2002-03	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 5,382,514	\$ 5,382,514	\$ -	\$ 3,547,273	\$ 2,826,984	\$ 720,289	\$ (720,289)
2002-03	Integrated Waste Management	Ch. 1116/92	256	\$ 3,290,939	\$ 990,446	\$ 2,300,493	\$ 118,804	\$ 30,280	\$ 88,524	\$ 2,211,969
2002-03	Tuition Fee Waivers	Ch. 36/77	301	\$ 571,497	\$ -	\$ 571,497	\$ -	\$ -	\$ -	\$ 571,497
2002-03 Total				\$ 33,705,677	\$ 15,807,562	\$ 17,898,115	\$ 4,261,566	\$ 3,232,014	\$ 1,029,552	\$ 16,868,563
2001-02	California Grants	Ch. 403/00	302	\$ 14,368	\$ 2,880	\$ 11,488	\$ -	\$ -	\$ -	\$ 11,488
2001-02	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 8,269,673	\$ 8,269,673	\$ -	\$ 964,882	\$ 940,305	\$ 24,577	\$ (24,577)
2001-02	Enrollment Fee Collection and Waivers	Title 5	267	\$ 15,216,582	\$ 352,300	\$ 14,864,282	\$ -	\$ -	\$ -	\$ 14,864,282
2001-02	Health Fee Elimination (On or after 07/01/1994)	Ch. 1/84	234	\$ 4,840,765	\$ 4,840,765	\$ -	\$ 1,190,648	\$ 1,045,133	\$ 145,515	\$ (145,515)
2001-02	Integrated Waste Management	Ch. 1116/92	256	\$ 3,063,590	\$ 932,371	\$ 2,131,219	\$ 71,339	\$ 36,921	\$ 34,418	\$ 2,096,801
2001-02	Tuition Fee Waivers	Ch. 36/77	301	\$ 475,140	\$ -	\$ 475,140	\$ -	\$ -	\$ -	\$ 475,140
2001-02 Total				\$ 31,880,118	\$ 14,397,989	\$ 17,482,129	\$ 2,226,869	\$ 2,022,359	\$ 204,510	\$ 17,277,619
2000-01	Enrollment Fee Collection and Waivers	Title 5	267	\$ 13,674,783	\$ 212,641	\$ 13,462,142	\$ -	\$ -	\$ -	\$ 13,462,142
2000-01	Integrated Waste Management	Ch. 1116/92	256	\$ 1,155,500	\$ 250,487	\$ 905,013	\$ -	\$ -	\$ -	\$ 905,013
2000-01 Total				\$ 14,830,283	\$ 463,128	\$ 14,367,155	\$ -	\$ -	\$ -	\$ 14,367,155
1999-00	Enrollment Fee Collection and Waivers	Title 5	267	\$ 12,133,039	\$ 172,387	\$ 11,960,652	\$ -	\$ -	\$ -	\$ 11,960,652
1999-00	Integrated Waste Management	Ch. 1116/92	256	\$ 692,945	\$ 111,750	\$ 581,195	\$ -	\$ -	\$ -	\$ 581,195
1999-00	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 239,700	\$ 228,223	\$ 11,477	\$ 46,320	\$ 46,320	\$ -	\$ 11,477
1999-00 Total				\$ 13,065,684	\$ 512,360	\$ 12,553,324	\$ 46,320	\$ 46,320	\$ -	\$ 12,553,324
1998-99	Enrollment Fee Collection and Waivers	Title 5	267	\$ 9,535,087	\$ 1,229,718	\$ 8,305,369	\$ -	\$ -	\$ -	\$ 8,305,369
1998-99	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 16,407	\$ -	\$ 16,407	\$ -	\$ -	\$ -	\$ 16,407
1998-99 Total				\$ 9,551,494	\$ 1,229,718	\$ 8,321,776	\$ -	\$ -	\$ -	\$ 8,321,776
1997-98	Collective Bargaining and Collective Bargaining Agreement Disclosure	Ch. 961/75	232	\$ 1,452,917	\$ 1,452,917	\$ -	\$ 550,342	\$ 546,642	\$ 3,700	\$ (3,700)
1997-98	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 16,900	\$ -	\$ 16,900	\$ -	\$ -	\$ -	\$ 16,900
1997-98 Total				\$ 1,469,817	\$ 1,452,917	\$ 16,900	\$ 550,342	\$ 546,642	\$ 3,700	\$ 13,200
1996-97	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 18,586	\$ -	\$ 18,586	\$ -	\$ -	\$ -	\$ 18,586
1996-97 Total				\$ 18,586	\$ -	\$ 18,586	\$ -	\$ -	\$ -	\$ 18,586
1995-96	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 17,217	\$ -	\$ 17,217	\$ -	\$ -	\$ -	\$ 17,217

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Fiscal Year	Program Name	Legal Reference	Program Number	ACCOUNTS PAYABLE (A/P)		ACCOUNTS RECEIVABLE (A/R)			Net Balance	
				Program Costs	Less: Net Payments	A/P Balance	Established A/R	Less: Recovered Amount		A/R Balance
1995-96 Total				\$ 17,217	\$ -	\$ 17,217	\$ -	\$ -	\$ -	\$ 17,217
1994-95	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 13,033	\$ -	\$ 13,033	\$ -	\$ -	\$ -	\$ 13,033
1994-95 Total				\$ 13,033	\$ -	\$ 13,033	\$ -	\$ -	\$ -	\$ 13,033
1993-94	Open Meetings/Brown Act Reform	Ch. 641/86	238	\$ 1,352	\$ -	\$ 1,352	\$ -	\$ -	\$ -	\$ 1,352
1993-94 Total				\$ 1,352	\$ -	\$ 1,352	\$ -	\$ -	\$ -	\$ 1,352
Grand Total				\$ 384,049,240	\$ 66,312,963	\$ 317,736,277	\$ 13,632,728	\$ 9,680,257	\$ 3,952,471	\$ 313,783,806

**Schedule C:
List of Incorrect Reduction Claims
Filed with the Commission on State Mandates**

Commission on State Mandates
116 Incorrect Reduction Claims
October 1, 2012

#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
1		02-9635802-I-03	9/6/02	7/23/03*	City of Pleasanton	1995-1996, 1996-1997, 1997-1998	\$15,000	Investment Reports	Local
2		02-9635802-I-04	9/6/02	7/22/03*	City of Sunnyvale	1995-1996, 1996-1997, 1997-1998	\$43,978	Investment Reports	Local
3		02-9635802-I-05	9/6/02	7/7/03*	County of Santa Barbara	1995-1996, 1996-1997, 1997-1998	\$41,308	Investment Reports	Local
4		02-9635802-I-06	9/6/02	8/21/03*	City of Hayward	1995 -1996, 1996-1997, 1997-1998	\$55,732	Investment Reports	Local
5		02-9635802-I-07	9/6/02	8/21/03*	City of Oakland	1995 -1996, 1996-1997, 1997-1998	\$122,530	Investment Reports	Local
6		02-9635802-I-09	9/6/02	5/9/05 (C) 8/21/03 (SCO)	City of Redwood City	1995-1996, 1996-1997, 1997-1998	\$15,755	Investment Reports	Local
7		02-9635802-I-10	9/6/02	8/21/03 (SCO) 6/3/04 (C)	City of San Bernardino	1995-1996, 1996-1997, 1997-1998	\$10,083	Investment Reports	Local
8		02-9635802-I-12	9/6/02	5/9/05 (C) 7/14/03 (SCO)	City of Santa Clara	1995-1996, 1996-1997, 1997-1998	\$47,125	Investment Reports	Local
9		02-9635802-I-14	9/6/02	7/16/03*	County of Plumas	1995-1996, 1996-1997, 1997-1998	\$34,166	Investment Reports	Local
10		02-9635802-I-17	9/6/02	7/14/03*	City of Santa Barbara	1995-1996, 1996-1997, 1997-1998	\$49,049	Investment Reports	Local
11		02-9635802-I-18	9/17/02	7/27/03*	County of Kern	1995-1996, 1997-1998	\$57,160	Investment Reports	Local
12		02-9635802-I-19	9/19/02	7/16/03*	County of Glenn	1995-1996, 1997-1998	\$20,332	Investment Reports	Local
13		02-9635802-I-20	9/19/02	7/14/03*	City of Huntington Beach	1995-1996, 1996-1997	\$21,578	Investment Reports	Local
14		02-9635802-I-22	9/19/02	8/20/04 (C) 7/21/03 (SCO)	City of Redding	1995-1996, 1996-1997	\$13,756	Investment Reports	Local
15		02-9635802-I-23	9/19/02	6/3/04 (C) 7/21/03 (SCO)	City of West Covina	1995-1996, 1996-1997	\$10,380	Investment Reports	Local
16		02-9635802-I-24	9/19/02	6/3/04 (C)	City of Cerritos	1995-1996, 1996-1997	\$26,983	Investment Reports	Local
17		02-9635802-I-25	9/19/02	6/29/04 (C) 7/21/03 (SCO)	City of Irvine	1995-1996, 1996-1997	\$82,486	Investment Reports	Local
18		02-9635802-I-27	9/19/02	7/16/03*	County of Marin	1995-1996, 1997-1998,	\$54,004	Investment Reports	Local
19		02-9635802-I-29	9/19/02	5/9/05 (C) 5/25/03 (SCO)	County of Nevada	1995-1996, 1997-1998	\$30,755	Investment Reports	Local
20		02-9635802-I-30	9/30/02	7/16/03*	County of Riverside	1995-1996, 1997-1998	\$70,510	Investment Reports	Local
21		02-9635802-I-32	9/30/02	3/11/04 (C) 7/23/03(SCO)	City of Visalia	1995-1996, 1996-1997	\$26,617	Investment Reports	Local
22		02-9635802-I-34	10/11/02	1/30/04 (c) 7/23/03 (SCO)	City of Milpitas	1995-1996, 1996-1997	\$11,129	Investment Reports	Local
23		02-9635802-I-36	10/11/02	1/30/04 (C) 8/18/03 (SCO)	City of Rialto	1995-1996, 1997-1998	\$48,743	Investment Reports	Local
24		02-9635802-I-38	10/11/02	2/17/04 (C) 8/18/03 (SCO)	City of Upland	1995-1996, 1997-1998	\$53,160	Investment Reports	Local
25		02-9635802-I-42	10/11/02	1/30/04 (C) 8/11/03 (SCO)	City of Bell Gardens	1995-1996, 1997-1998	\$78,938	Investment Reports	Local

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#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
26		02-9635802-I-44	10/11/02	1/20/04 (C) 8/11/03 (SCO)	City of Rancho Cucamonga	1995-1996, 1997-1998	\$96,502	Investment Reports	Local
27		02-9635802-I-48	10/11/02	8/14/03*	City of Costa Mesa	1995-1996, 1997-1998	\$68,546	Investment Reports	Local
28		02-9635802-I-49	10/11/02	1/22/04 (C) 8/14/03 (SCO)	City of Norwalk	1995-1996, 1997-1998	\$56,055	Investment Reports	Local
29		02-9635802-I-50	10/16/02	8/5/03 (C) 6/27/03 (SCO)	City Of Lodi	1995-1996, 1996-1997, 1998-1999	\$17,496	Investment Reports	Local
30		02-9635802-I-52	10/16/02	8/5/03 (C) 6/30/03 (SCO)	City Of Walnut Creek	1995-1996, 1996-1997, 1998-1999	\$48,107	Investment Reports	Local
31		02-9635802-I-53	10/16/02	9/7/05 (C) 7/31/03 (SCO)	City Of South Lake Tahoe	1995-1996, 1996-1997	\$3,683	Investment Reports	Local
32		02-9635802-I-54	10/16/02	8/5/05 (C) 6/25/03 (SCO)	City Of San Carlos	1995-1996, 1996-1997, 1998-1999	\$19,992	Investment Reports	Local
33		02-9635802-I-55	10/16/02	8/2/03 (C) 7/31/03 (SCO)	City Of Reedley	1995-1996	\$2,167	Investment Reports	Local
34		02-9635802-I-56	10/16/02	9/2/03 (C) 7/31/03 (SCO)	City Of Pleasant Hill	1995-1996	\$1,814	Investment Reports	Local
35		02-9635802-I-57	10/16/02	9/2/03 (C) 7/31/03 (SCO)	City Of Albany	1996-1997	\$5,397	Investment Reports	Local
36		02-9635802-I-58	10/16/02	8/5/03 (C) 6/27/03 (SCO)	City Of Concord	1995-1996, 1996-1997	\$3,203	Investment Reports	Local
37		02-9635802-I-61	10/16/02	8/28/03 (C) 7/25/03 (SCO)	City Of Patterson	1995-1996	\$914	Investment Reports	Local
38		02-9635802-I-62	10/16/02	8/28/03 (C) 7/25/03 (SCO)	City Of Lathrop	1995-1996, 1996-1997	\$7,003	Investment Reports	Local
39		02-9635802-I-63	10/16/02	8/5/03 (C) 7/25/03 (SCO)	City Of Monterey	1995-1996, 1996-1997, 1998-1999	\$10,576	Investment Reports	Local
40		02-9635802-I-64	10/16/02	8/28/03 (C) 7/25/03 (SCO)	City Of Gilroy	1995-1996	\$12,810	Investment Reports	Local
41		02-9635802-I-65	10/16/02	8/5/03 (C) 6/25/03 (SCO)	City Of Hanford	1995-1996, 1996-1997, 1998-1999	\$7,935	Investment Reports	Local
42		02-9635802-I-66	10/16/02	8/28/03 (C) 7/25/03 (SCO)	City Of Antioch	1995-1996	\$4,494	Investment Reports	Local
43		02-9635802-I-67	10/16/02	8/5/03 (C) 6/23/03 (SCO)	City Of Stockton	1995-1996, 1996-1997, 1998-1999	\$30,048	Investment Reports	Local
44		02-9635802-I-68	10/16/02	8/5/03 (C) 6/25/03 (SCO)	City Of Turlock	1995-1996, 1996-1997, 1998-1999	\$11,877	Investment Reports	Local
45		02-9635802-I-69	10/16/02	No Comments	City Of San Mateo	1995-1996, 1996-1997, 1998-1999	\$29,810	Investment Reports	Local
46		02-9635802-I-70	10/16/02	7/7/03 (SCO)	City of Coachella	1996-1997	\$2,112	Investment Reports	Local
47		02-9635802-I-71	10/16/02	7/3/03 (C)	City Of Menlo Park	1995-1996, 1996-1997	\$20,283	Investment Reports	Local
48		02-9635802-I-72	10/17/02	2/23/04 (C) 6/23/03 (SCO)	City Of San Marcos	1995-1996, 1996-1997	\$4,767	Investment Reports	Local
49		02-9635802-I-73	10/17/02	2/9/04 (C) 6/23/03 (SCO)	City Of Santa Ana	1996-1997	\$16,535	Investment Reports	Local

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October 1, 2012

#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
50		04-4241-I-01	4/13/05	10/17/05*	San Diego Unified School District	2001-2002, 2002-2003	\$1,203,208	Emergency Procedures, Earthquake Procedures, and Disasters	School
51		04-4257-I-367	5/16/05	4/24/08*	County of Santa Clara	1999-2000, 2000-2001, 2001-2002	\$4,653,917	Open Meetings	Local
52	R	04-904133-I-01 Revised 07- 904133-I-04	6/27/05	No Comments	Sweetwater Union High School District	1999-2000, 2000-2001, 2001-2002		Notification of Truancy (Revised)	School
53		05-4206-I-03	9/6/05	12/16/08 (SCO) 8/11/09 (C)	Long Beach Community College District	2001-2002, 2002-2003	\$466,629	Health Fee Elimination	CCD
54		05-4206-I-04	9/6/05	4/24/08 (SCO) 7/15/09 (C)	San Mateo County Community College District	1999-2000, 2000-2001, 2001-2002	\$1,017,386	Health Fee Elimination	CCD
55		05-4206-I-05	9/6/05	02/11/08 (SCO)	State Center Community College District	1999-2000, 2000-2001, 2001-2002	\$887,665	Health Fee Elimination	CCD
56		05-4206-I-06	9/9/05	3/12/08 (SCO) 6/9/09 (C)	Los Rios Community College District	1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002	\$3,205,600	Health Fee Elimination	CCD
57		05-4206-I-07	9/9/05	3/24/08 (SCO) 5/12/09 (C)	Glendale Community College District	2000-2001, 2001-2002	\$131,047	Health Fee Elimination	CCD
58		05-4206-I-08	9/15/05	1/7/08*	San Bernardino Community College District	2001-2002, 2002-2003	\$610,323	Health Fee Elimination	CCD
59		05-4206-I-09	9/15/05	4/24/08 (SCO) 5/12/09 (C)	North Orange County Community College District	2001-2002, 2002-2003	\$346,582	Health Fee Elimination	CCD
60		05-4206-I-10	9/15/05	3/12/08 (SCO) 7/13/09 (C)	Foothill-De Anza Community College District	1999-2000, 2000-2001, 2001-2002	\$1,817,357	Health Fee Elimination	CCD
61		05-4206-I-11	3/27/06	11/24/08 (SCO) 8/11/09 (C)	El Camino Community College District	2000-2001, 2001-2002, 2002-2003	\$399,891	Health Fee Elimination	CCD
62		05-4206-I-12	6/16/06	12/23/08*	Santa Monica Community College District	2001-2002, 2002-2003	\$364,407	Health Fee Elimination	CCD
63		05-4241-I-06	11/10/05	3/12/08 (SCO) 9/3/09 (C)	Poway Unified School District	2000-2001, 2001-2002, 2002-2003	\$738,364	Emergency Procedures, Earthquake Procedures, and Disasters	School
64		05-4282-I-03	5/25/06	6/3/09 (SCO) 3/15/10 (C)	County of San Mateo	1996-1997, 1997-1998, 1998-1999	\$3,232,423	Handicapped and Disabled Students	Local
65		05-4425-I-09	9/6/05	No Comments	San Mateo County Community College District	1999-2000, 2000-2001, 2001-2002	\$735,450	Collective Bargaining	CCD
66		05-4425-I-10	9/19/05	3/10/08 (SCO) 8/24/09 (C)	Foothill-De Anza Community College District	1999-2000, 2000-2001, 2001-2002	\$448,696	Collective Bargaining	CCD
67		05-4425-I-11	12/19/05	3/23/10 (SCO)	Gavilan Joint Community College District	1995-1996	\$124,245	Collective Bargaining	CCD
68		05-4435-I-50	9/6/05	10/11/07 (SCO) 11/5/07 (C)	Clovis Unified School District	1998-1999, 1999-2000, 2000-2001, 2001-2002	\$8,053,485	Graduation Requirements	School
69		05-4452-I-01	6/26/06	No Comments	San Diego Unified School District	2001-2002, 2002-2003	\$354,046	Notification to Teachers: Pupils Subject to Suspension or Expulsion	School
70		05-4485-I-03	9/9/05	2/11/08*	Los Rios Community College District	1999-2000, 2000-2001	\$10,004	Mandate Reimbursement Process	CCD
71		05-904133-I-02	12/12/05	No Comments	Los Angeles Unified School District	1998-1999, 1999-2000, 2000-2001	\$2,352,507	Notification of Truancy	School

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#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
72	R	05-904133-I-03 Revised 08- 904133-I-06 & 10- 904133-I-08	6/16/06	No Comments	Riverside Unified School District	1999-2000, 2000-2001, 2001-2002		Notification of Truancy (Revised)	School
73		06-4206-I-13	7/3/06	1/7/08*	Pasadena Area Community College District	1999-2000, 2000-2001, 2001-2002	\$375,941	Health Fee Elimination	CCD
74		06-4509-I-01	11/22/06	No Comments	County of Santa Cruz	1999-2000, 2000-2001, 2001-2002	\$173,280	Sexually Violent Predators	Local
75		07-3713-I-02	7/25/07	3/15/10 (SCO)	Santa Clara County	2000-2001, 2001-2002, 2002-2003	\$19,284	Absentee Ballots	Local
76		07-4206-I-14	8/14/07	3/15/10 (SCO)	Pasadena Area Community College District	2002-2003, 2003-2004	\$192,755	Health Fee Elimination	CCD
77		07-4206-I-15	10/2/07	No Comments	Rancho Santiago Community College District	2000-2001, 2001-2002, and 2002-2003	\$1,319,583	Health Fee Elimination	CCD
78		07-4206-I-16	10/11/07	3/15/10 (SCO)	Sierra Joint Community College District	2001-2002, 2002-2003, and 2003-2004	\$560,846	Health Fee Elimination	CCD
79		07-4442-I-01	7/26/07	No Comments	San Diego County Office of Education	2004-2005, 2005-2006	\$13,353	Interdistrict Attendance Permits	School
80		07-4509-I-02	7/25/07	No Comments	Santa Clara County	1998-1999, 1999-2000, 2000-2001	\$203,363	Sexually Violent Predators	Local
81		07-904133-I-04 (Revised) Consolidated with 04- 904133-I-01	10/5/07	No Comments	Sweetwater Union High School District	1999-2000, 2000-2001, and 2001-2002	\$49,949	Notification of Truancy (Revised)	School
82		07-9628101-I-01	8/15/07	No Comments	County of Santa Clara	1998-1999, 1999-2000, 2000-2001	\$748,675	Domestic Violence Treatment Services	Local
83	R	07-904133-I-05 Revised 10- 904133-I-07	12/18/07	No Comments	San Juan Unified School District	1999-2000; 2000-2001; 2001-2002		Notification of Truancy (Revised)	School
84		08-4206-I-17	2/5/09	No Comments	Santa Monica Community College District	2003-2004; 2004-2005; 2005-2006	\$795,942	Health Fee Elimination	CCD
85		08-4206-I-18	2/5/09	No Comments	Los Rios Community College District	2002-2003; 2003-2004; 2004-2005	\$2,554,615	Health Fee Elimination	CCD
86		08-4237-I-02	1/28/09	No Comments	County of Santa Clara	1999-2000; 2000-2001; 2001-2002	\$1,268,210	Child Abduction and Recovery Program	Local
87		08-4425-I-15	7/22/08	No Comments	Contra Costa Community College District	2001-2002; 2002-2003; 2003-2004	\$494,564	Collective Bargaining	CCD
88		08-4425-I-16	2/5/09	No Comments	Los Rios Community College District	2001-2002; 2002-2003; 2003-2004	\$286,895	Collective Bargaining	CCD
89		08-4435-I-52	8/4/08	No Comments	Clovis Unified School District	1998-1999, 1999-2000, 2000-2001, 2001-2002	\$8,053,465	Graduation Requirements	School
90	R	08-904133-I-06 (Revised) Consolidated with 05- 904133-I-03 & 10-	8/26/08	No Comments	Riverside Unified School District	1999-2000, 2000-2001, 2001-2002		Notification of Truancy (Revised)	School
91		08-9723-I-01	5/21/09	No Comments	Sweet water Union High School District	2004-2005 and 2005-2006	\$160,120	National Norm-Referenced Achievement Test (NNRAT)	School
92		08-9723-I-02	5/21/09	No Comments	Sweetwater Union High School District	1997-1998, 1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003 2003-2004	\$1,446,786	Standardized Testing and Reporting (STAR)	School
93		09-4081-I-01	1/14/10	No comments	City of Los Angeles	2003-2004	\$516,132	Firefighter's Cancer Presumption	Local

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#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
94	R	09-4206-I-21 Revised 10-4206-I-36	9/25/09	No comments	Kern Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007		Health Fee Elimination (Revised)	CCD
95		09-4206-I-22	9/25/09	No comments	Long Beach Community College District	2003-2004, 2004-2005, 2005-2006	\$676,727	Health Fee Elimination	CCD
96		09-4206-I-24	10/5/09	No comments	Foothill-De Anza Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006	\$440,752	Health Fee Elimination	CCD
97		09-4206-I-25	10/5/09	No Comments	Yosemite Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007	\$451, 873	Health Fee Elimination	CCD
98		09-4206-I-29	6/15/10	No Comments	San Diego Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	\$379,946	Health Fee Elimination	CCD
99		09-4425-I-17	8/4/09	No comments	Sierra Joint Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006	\$17,971	Collective Bargaining	CCD
100		09-4442-I-02	6/29/10	No Comments	San Diego County Office of Education	2006-2007; 2007-2008	\$11,203	Interdistrict Attendance Permits	School
101		10-4206-I-31	7/16/10	No Comments	San Bernardino Community College District	2003-2004; 2004-2005; 2005-2006; 2006-2007	\$895,614	Health Fee Elimination	CCD
102		10-4206-I-32	9/1/10	No Comments	State Center Community College District	2002-2003, 2003-2004, 2005-2006, 2006-2007	\$902,744	Health Fee Elimination	CCD
103		10-4206-I-33	10/26/10	No Comments	El Camino Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	\$674,212	Health Fee Elimination	CCD
104		10-4206-I-34	11/22/10	No Comments	Foothill-De Anza Community College District	2002-2003, 2003-2004, 2004-2005	\$284,615	Health Fee Elimination	CCD
105		10-4206-I-35	11/29/10	No Comments	San Mateo County Community College District	2002-2003, 2003-2004, 2004-2005, 2005-2006, 2006-2007	\$781,934	Health Fee Elimination	CCD
106		10-4206-I-36 (Revised) Consolidated with 09- 4206-I-21	12/9/10	No Comments	Kern Community College District	2003-2004, 2004-2005, 2005-2006, 2006-2007	\$762,882	Health Fee Elimination	CCD
107		10-4425-I-18	2/4/11	No Comments	Sierra Joint Community College District	2002-2003	\$12,116	Collective Bargaining	CCD
108		10-4499-I-01	9/16/10	No Comments	County of Santa Clara	2003-2004, 2004-2005, 2005-2006	\$526,802	Peace Officers Bill of Rights (POBOR)	Local
109		10-904133-I-07 (Revised) Consolidated with 07- 10-904133-I-08	7/16/10	No Comments	San Juan Unified School District	1999-2000; 2000-2001; 2001-2002	\$87,312	Notification of Truancy (Revised)	School
110		10-904133-I-08 (Revised) Consolidated with 05- 904133-I-03 & 08- 904133-I-06	9/13/10	No Comments	Riverside Unified School District	2000-2001, 2001-2002	\$298,282	Notification of Truancy (2nd Revised)	School
111		10-904133-I-09	10/6/10	No Comments	San Juan Unified School District	2002-2003, 2003-2004, 2004-2005, 2005-2006	\$132,847	Notification of Truancy	School
112		10-904133-I-10	11/1/10	No Comments	Riverside Unified School District	2003-2004, 2004-2005, 2005-2006, 2006-2007	\$326,088	Notification of Truancy	School
113		10-9705-I-01	11/10/10	No Comments	County of San Diego	2001-2002, 2002-2003, 2003-2004, 2004-2005	\$1,979,388	Seriously Emotionally Disturbed Pupils (SEDS): Out-of-State Mental Health Services	Local

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#	R	File Number	Filing Date	Date Comments Filed	Claimant	Fiscal Year	Amount of Claim	Name	Type
114		11-4451-I-05	7/29/11	No Comments	Chula Vista Elementary School District	1997-1998	\$25,081	School District of Choice: Transfers and Appeals	School
115		11-9705-I-02	11/9/11	No Comments	County of Orange	2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006	\$2,973,826	Seriously Emotionally Distrubed Pupils (SEDS): Out-of-State Mental Health Services	Local
116		11-9811-I-01	3/8/12	No Comments	City of Hayward	1998-1999, 1999-2000, 2000-2001, 2001-2002, 2002-2003, 2005-2006, 2006-2007, 2007-2008	\$1,339,152	Animal Adoption	Local
							\$65,439,867		

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
 SACRAMENTO, CA 95814
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December 13, 2013

Mr. Tom Dyer
 Department of Finance
 915 L Street
 Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Adopted Statement of Decision, and Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing**
 Mandate Redetermination Request, 12-MR-01
Sexually Violent Predators, (CSM-4509)
 Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;
 Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
 California Department of Finance, Requester

Dear Mr. Dyer:

On December 6, 2013, the Commission on State Mandates (Commission) adopted a new test claim statement of decision that supersedes the previously adopted test claim decision on the above-entitled matter. Subsequently, Government Code section 17570(i) provides that the Commission shall amend the existing parameters and guidelines.

Pursuant to California Code of Regulations, title 2, section 1183.12, Commission staff is expediting the amendment to parameters and guidelines process with the enclosed draft expedited amendment to the parameters and guidelines. The parameters and guidelines are being amended to end reimbursement for six of the eight activities that are no longer reimbursable effective July 1, 2011 as specified in the new test claim statement of decision. Therefore the following two activities, required for purposes of probable cause hearings, remain reimbursable state-mandated costs.

- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Transportation for each potential sexually violent predator to and from a secured facility only to the *probable cause hearing* on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial.

Commission staff also made non-substantive technical corrections for consistency with current boilerplate language.

Review of Draft Expedited Amendment to Parameters and Guidelines. All parties, interested parties, and interested persons may file comments on staff's proposal by **January 2, 2014**. (Cal. Code Regs., tit. 2, § 1183.12(b)(c).)

Mr. Tom Dyer
December 13, 2013
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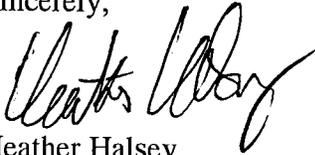
Rebuttals. Within 15 days of service of the comments, all parties, interested parties, and interested persons may submit written rebuttals to Commission staff. (Cal. Code Regs., tit. 2, § 1183.11(f).)

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.) If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission's regulations.

The amendment to parameters and guidelines is tentatively set for hearing on **March 28, 2014**.

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,



Heather Halsey
Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE MANDATE REDETERMINATION:
SECOND HEARING: NEW TEST CLAIM
DECISION FOR:

Welfare and Institutions Code sections 6601,
6602, 6603, 6604, 6605, and 6608;

As added or amended by Statutes 1995,
Chapter 762 (SB 1143); Statutes 1995, Chapter
763 (AB 888); Statutes 1996, Chapter 4 (AB
1496);

Sexually Violent Predators (CSM-4509), As
Modified by:

Proposition 83, General Election,
November 7, 2006

Filed on January 15, 2013

By the Department of Finance, Requester.

Case No.: 12-MR-01

Sexually Violent Predators (CSM-4509)

STATEMENT OF DECISION
PURSUANT TO GOVERNMENT
CODE SECTION 17500, ET SEQ.;
CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION
2, CHAPTER 2.5, ARTICLE 7.
[Gov. Code, § 17570; Cal. Code Regs.,
tit. 2, § 1190.05]

(Adopted December 6, 2013)

(Served December 13, 2013)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this mandate redetermination during regularly scheduled hearings on September 27, 2013, and December 6, 2013, and adopted the new test claim decision on December 6, 2013. At the September 27, 2013 hearing, Susan Geanacou and Michael Byrne appeared for the Department of Finance, the requester; Hasmik Yaghobyan appeared for the County of Los Angeles, the original test claimant; Craig Osaki appeared on behalf of the Los Angeles County Public Defender's Office; Timothy Barry appeared on behalf of the San Diego County Sheriff's Office, District Attorney's Office, and Public Defender's Office; Geoffrey Neill appeared on behalf of the California State Association of Counties; and Todd Spitzer, Orange County Supervisor, appeared on behalf of the public. At the December 6, 2013 hearing, Hasmik Yaghobyan appeared for the County of Los Angeles, Craig Osaki appeared on behalf of the Los Angeles County Public Defender's Office, and Michael Byrne appeared for the Department of Finance.

Government Code section 17570 and section 1190 et seq. of the Commission's regulations establish the mandate redetermination process. In addition, the law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., title 2, California Code of Regulations 1181 et seq., and related case law.

The Commission granted the request for redetermination and partially approved the request to end reimbursement for the test claim activities by a vote of 4-1, with one member abstaining and one member absent, at the September 27, 2013 hearing. On December 6, 2013, the Commission determined that its findings are effective on July 1, 2011, pursuant to Government Code section 17570 and, thus six of the eight activities are no longer reimbursable effective July 1, 2011. The Commission adopted the statement of decision as its new test claim decision on December 6, 2013, by a vote of 6 to 1.

Summary of the Findings

The Commission finds that the state's liability pursuant to article XIII B, section 6(a) of the California Constitution for the *Sexually Violent Predators*, CSM-4509 mandate has been modified based on a subsequent change in law, and a new test claim decision is required. Specifically, Welfare and Institutions Code sections 6601, 6604, 6605, and 6608, as added or amended by Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); and Statutes 1996, Chapter 4 (AB 1496) impose duties expressly included in Proposition 83, adopted by the voters on November 7, 2006. Additionally the duties imposed by section 6603 are necessary to implement the requirements of Proposition 83. Government Code section 17556(f) provides that the Commission shall not find "costs mandated by the state" for costs incurred as a result of statutes that impose duties that are expressly included in or necessary to implement a ballot measure approved by the voters. Based on the filing date of this request, and pursuant to Government Code section 17570, the following activities are no longer reimbursable beginning July 1, 2011 (the numbering of the activities utilized in DOF's request for redetermination is adopted):

Activity 1 – Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601(i).)

Activity 2 – Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601(i).)

Activity 3 – Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601(j).)

Activity 5 – Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)

Activity 6 – Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605(b-d), and 6608(a-d).)

Activity 7 – Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605(d).)

However, the preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing (**Activity 4**), and the portion of **Activity 8** that includes transportation of each sexually violent predator from a secured facility to the *probable*

cause hearing, remain reimbursable as state-mandated costs, as explained below. The activities related to holding a probable cause hearing are found to be neither expressly included in, nor necessary to implement Proposition 83, but are mandated by the state in section 6602 of the Welfare and Institutions Code.

Therefore, the following activities are required as modified, only for probable cause hearings:

Activity 4- Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)

Activity 8 – Transportation ~~and housing~~ for each potential sexually violent predator from ~~at~~ a secured facility to the probable cause hearing ~~while the individual awaits trial~~ on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

COMMISSION FINDINGS

Chronology

6/25/1998	The Commission adopted the test claim statement of decision for <i>Sexually Violent Predators</i> , (CSM-4509), approving reimbursement for certain activities under Welfare and Institutions Code sections 6601, 6602, 6603, 6604, 6605, and 6608. ¹
9/24/1998	The Commission adopted parameters and guidelines. ²
11/08/2006	California voters approved Proposition 83, which amended and reenacted several sections of the Welfare and Institutions Code. ³
10/30/2009	The Commission adopted amended parameters and guidelines, pursuant to the Controller’s request to amend the boilerplate language of a number of existing parameters and guidelines. ⁴
1/15/2013	The Department of Finance (DOF) filed a request for redetermination of CSM-4509. ⁵
1/24/2013	Commission staff deemed the filing complete.
2/13/2013	The State Controller’s Office (SCO) submitted comments. ⁶
2/13/2013	The County of Los Angeles requested an extension of time to file comments.
2/13/2013	The California State Association of Counties (CSAC) requested an extension of time to file comments.

¹ Exhibit B, Test Claim Statement of Decision.

² Exhibit C, Test Claim Parameters and Guidelines.

³ See Exhibit A, Request for Redetermination.

⁴ Exhibit D, Test Claim Amended Parameters and Guidelines.

⁵ Exhibit A, Request for Redetermination.

⁶ Exhibit E, SCO Comments on Request for Redetermination.

2/14/2013 The County of San Diego requested an extension of time to file comments.

2/15/2013 The Executive Director granted an extension of time for the submittal of all comments until March 27, 2013, and set the matter for the first hearing on July 26, 2013.

3/19/2013 California District Attorneys' Association (CDAA) submitted comments on the request for redetermination.⁷

3/22/2013 CSAC submitted comments on the request for redetermination.⁸

3/25/2013 California Public Defenders' Association (CPDA) submitted comments on the request for redetermination.⁹

3/25/2013 District Attorney of San Bernardino County submitted comments on the request for redetermination.¹⁰

3/25/2013 County of San Bernardino submitted comments on the request for redetermination.¹¹

3/26/2013 District Attorney of Sacramento County submitted comments on the request for redetermination.¹²

3/26/2013 District Attorney of Los Angeles County submitted comments on the request for redetermination.¹³

3/27/2013 County of Los Angeles submitted comments on the request for redetermination.¹⁴

3/27/2013 Alameda County Public Defender submitted comments on the request for redetermination.¹⁵

3/27/2013 County Counsel of San Diego County submitted comments on the request for redetermination.¹⁶

⁷ Exhibit F, CDAA Comments on Request for Redetermination.

⁸ Exhibit G, CSAC Comments on Request for Redetermination.

⁹ Exhibit H, CPDA Comments on Request for Redetermination.

¹⁰ Exhibit I, County of San Bernardino District Attorney Comments on Request for Redetermination.

¹¹ Exhibit J, County of San Bernardino Comments on Request for Redetermination.

¹² Exhibit K, County of Sacramento District Attorney Comments on Request for Redetermination.

¹³ Exhibit L, Los Angeles County District Attorney Comments on Request for Redetermination.

¹⁴ Exhibit M, County of Los Angeles Comments on Request for Redetermination.

¹⁵ Exhibit N, Alameda County Public Defender Comments on Request for Redetermination.

¹⁶ Exhibit O, County Counsel of San Diego Comments on Request for Redetermination.

3/29/2013	Alameda County District Attorney submitted comments on the request for redetermination. ¹⁷
5/09/2013	Commission staff issued the draft staff analysis and proposed statement of decision. ¹⁸
5/17/2013	DOF submitted comments on the draft staff analysis. ¹⁹
5/28/2013	CPDA submitted comments on the draft staff analysis. ²⁰
5/31/2013	County of LA submitted late comments on the draft staff analysis. ²¹
7/26/2013	The Commission determined that the requester made an adequate showing for redetermination and directed staff to set the matter for a second hearing. ²²
8/02/2013	Commission staff issued the draft staff analysis for the second hearing. ²³
8/22/2013	The County of Orange submitted comments on the draft staff analysis for the second hearing. ²⁴
8/27/2013	The District Attorney of Orange County submitted comments on the draft staff analysis for the second hearing. ²⁵
9/05/2013	The Public Defender of San Bernardino County submitted comments on the draft staff analysis for the second hearing. ²⁶
9/05/2013	The California State Association of Counties submitted comments on the draft staff analysis for the second hearing. ²⁷
9/05/2013	The County Counsel of San Diego submitted comments on the draft staff analysis for the second hearing. ²⁸

¹⁷ Exhibit P, Alameda County District Attorney Comments on Request for Redetermination.

¹⁸ Exhibit Q, Draft Staff Analysis and Proposed Statement of Decision.

¹⁹ Exhibit R, DOF Comments on Proposed Statement of Decision.

²⁰ Exhibit S, CPDA Comments on Draft Staff Analysis.

²¹ Exhibit T, County of LA Comments on Draft Staff Analysis.

²² Exhibit U, Statement of Decision, First Hearing, July 26, 2013.

²³ Exhibit V, Draft Staff Analysis, Second Hearing, August 2, 2013.

²⁴ Exhibit W, County of Orange Comments on Draft Staff Analysis, Second Hearing.

²⁵ Exhibit Y, Orange County District Attorney Comments on Draft Staff Analysis, Second Hearing.

²⁶ Exhibit Z, San Bernardino County Public Defender Comments on Draft Staff Analysis, Second Hearing.

²⁷ Exhibit AA, CSAC Comments on Draft Staff Analysis, Second Hearing.

- 9/05/2013 The Department of Finance submitted comments on the draft staff analysis for the second hearing.²⁹
- 9/05/2013 The County of Los Angeles submitted comments on the draft staff analysis for the second hearing.³⁰
- 09/27/2013 The Commission approved staff's recommendation to adopt a new test claim decision, ending reimbursement for six of eight activities approved in the prior test claim decision, but postponed the adoption of the test claim decision pending resolution of a possible legal issue regarding the period of reimbursement.
- 10/11/2013 Commission staff issued a revised draft staff analysis addressing the period of reimbursement issue identified at the September 27, 2013 hearing.
- 11/01/2013 The Department of Finance submitted written comments on the draft staff analysis, concurring with staff's recommendation.

I. Background

The Sexually Violent Predators Program and the Subsequent Change in Law

The Sexually Violent Predators (SVP) program established civil commitment procedures for the civil detention and treatment of sexually violent predators (SVPs) following the completion of an individual's criminal sentence imposed for certain sex-related offenses. Before civil detention and treatment are imposed, the county counsel or district attorney is required to file a petition for civil commitment. A trial is then conducted to determine beyond a reasonable doubt if the person is an SVP. If the person alleged to be an SVP is indigent, the county is required to provide the indigent person with the assistance of counsel and experts necessary to prepare the defense.

The Commission concluded, in the CSM-4509 test claim statement of decision, that Welfare and Institutions Code sections 6601(i), 6602, 6603, 6604, 6605(b)-(d), and 6608(a)-(d) as enacted or amended by the 1995 and 1996 test claim statutes, imposed a reimbursable state-mandated program on counties within the meaning of article XIII B, section 6, of the California Constitution.³¹

On November 7, 2006, the voters approved Proposition 83, also known as "Jessica's Law." Proposition 83 effected a number of amendments to the Penal Code, including strengthening penalties for kidnapping and sexual offenses perpetrated upon children, and especially removing the requirement of "force, violence, duress, menace, or fear of immediate and unlawful bodily

²⁸ Exhibit BB, County Counsel of San Diego Comments on Draft Staff Analysis, Second Hearing.

²⁹ Exhibit CC, Finance Comments on Draft Staff Analysis, Second Hearing.

³⁰ Exhibit DD, County of Los Angeles Comments on Draft Staff Analysis, Second Hearing.

³¹ Exhibit B, Test Claim Statement of Decision, at p. 12.

injury” from the definitional elements of several crimes.³² Proposition 83 also mandated consecutive sentences for a number of sexual offenses,³³ mandated a minimum 25 year sentence for a “habitual sexual offender,” as defined,³⁴ and required persons released on parole from a “registerable sex offense” to be monitored for the duration of their parole by a global positioning system device, for which the parolee is responsible to pay unless granted a waiver by the Department of Corrections.³⁵

As directly relevant here, Proposition 83 also amended and reenacted provisions of the Welfare and Institutions Code, including sections 6601, 6604, 6605, and 6608 which were among the test claim statutes approved by the Commission in CSM-4509.

Section 6601(k) was amended by Proposition 83 to provide that a civil commitment under article 4 *shall toll the term of an existing parole*, where applicable. Under the amended section, if a person were granted parole but subsequently civilly committed, that individual’s parole would not run concurrently, but would be “tolled,” and the remaining term of parole would be served after the civil commitment ends. The test claim statute, as approved in CSM-4509, provided that a civil commitment “*shall not toll, discharge or otherwise affect the term of parole,*” meaning that a term of parole *could* run concurrently with a civil commitment, but that release from civil commitment would not discharge any remaining term of parole. The remainder of section 6601 was reenacted by Proposition 83 without amendment.

Section 6604 was amended by Proposition 83 to provide that if a court or jury determined that a person is a sexually violent predator, the person “shall be committed for an indeterminate term.” The test claim statute, as approved in CSM-4509 had provided for a two year civil commitment, with an option for an extended commitment order from the court.

Section 6605 was amended by Proposition 83 to provide that if the Department of Mental Health (DMH) deems that the person’s condition has changed, and that unconditional release or a conditional release to a less restrictive environment is appropriate and in the best interests of the person and conditions can be imposed to adequately protect the community, the Director “*shall authorize the person to petition the court*” for conditional release or unconditional discharge. The test claim statute, as approved by the Commission, required an annual notice to the person of his or her right to petition the court for release, and provided for an annual examination of his or her mental condition, but not, as the more recently amended section requires: “consideration of whether the committed person currently meets the definition of a sexually violent predator” and whether conditional release is appropriate in a particular case. Based on the plain language, the prior section 6605 was focused on the right of the individual to be annually evaluated for release, and to petition for release. As the section reads after Proposition 83, the focus is on the Department of State Hospitals making a determination that a person’s condition has changed, and “authorizing” that person to petition for release.

³² See, e.g., Penal Code sections 209, 220, 269, as amended by Proposition 83 (adopted November 7, 2006).

³³ See Penal Code section 667.6, as amended by Proposition 83.

³⁴ Penal Code section 667.71, as amended by Proposition 83.

³⁵ Penal Code section 3000.07, as added by Proposition 83.

And finally, Proposition 83 amended section 6608 to provide that, notwithstanding the provisions of section 6605, a person may petition the court for “*conditional release or an unconditional discharge*” without approval from the director of the DMH. The test claim statute stated “*conditional release and subsequent unconditional discharge.*”³⁶

On January 15, 2013, DOF filed a request for redetermination of the *Sexually Violent Predator* program based on Proposition 83, arguing that the program no longer imposes costs mandated by the state.

Mandate Redetermination Process under Section 17570

Government Code section 17570 provides a process whereby a test claim decision may be redetermined and superseded by a new test claim decision if a subsequent change in law, as defined, has altered the state’s liability for reimbursement. The redetermination process calls for a two stage hearing; at the first stage, the requester must make “an adequate showing which identifies a subsequent change in law as defined by Government Code section 17570, material to the prior the claim decision, that may modify the state’s liability pursuant to Article XIII B, section 6, subdivision (a) of the California Constitution.”³⁷ At the second stage, the Commission shall determine whether a new test claim decision shall be adopted to supersede the previously adopted test claim decision.³⁸

A subsequent change in law is defined in section 17570 as follows:

[A] change in law that requires a finding that an incurred cost is a cost mandated by the state, as defined by Section 17514, or is not a cost mandated by the state pursuant to Section 17556, or a change in mandates law...³⁹

On July 26, 2013, the Commission determined, pursuant to a hearing, that DOF had made an adequate showing that the state’s liability had been modified based on a subsequent change in law. The Commission directed staff to set the matter for a second hearing to determine whether to adopt a new test claim decision.

On September 27, 2013, the Commission conducted the second hearing, and determined that the state’s liability under the test claim statute had been modified by Proposition 83, and that a new test claim decision must be adopted. However, a substantive legal issue regarding the possible retroactive effect of Proposition 83 was raised at the hearing, and the Commission postponed adoption of the full statement of decision pending the resolution of that issue. The County of Los Angeles argued at the September 27, 2013 hearing that reimbursement should continue for the County of Los Angeles based on the California Supreme Court’s ruling in *People v. Castillo*. Specifically, the county asserted, that a stipulation and agreement entered into by the District

³⁶ Compare Penal Code sections 6601, 6604, 6605, and 6608 (as added or amended by Stats. 1995, ch. 762; Stats. 1995, ch. 763; Stats. 1996, ch. 4) with Penal Code sections 6601, 6604, 6605, and 6608, as amended by Proposition 83; full text of amended sections found in Exhibit X, 2006 Ballot Pamphlet, at pp. 136-138.

³⁷ Code of Regulations, Title 2, section 1190.05(a)(1).

³⁸ Government Code section 17570(d)(4) (as added by Stats. 2010, ch. 719 (SB 856)).

³⁹ Government Code section 17570(a)(2) (as added by Statutes 2010, chapter 719 (SB 856)).

Attorney, Public Defender, and the Los Angeles County Courts to apply the pre-Proposition 83 law to SVP commitment and recommitment petitions then-pending was enforceable against the People and therefore continued the operation of the mandated activities. The Commission continued the hearing on the matter to December 6, 2013, to consider the Supreme Court's ruling, and what, if any, effect it might have on mandate reimbursement for the County of Los Angeles and other counties similarly situated. Commission staff issued a revised draft staff analysis for comment on October 11, 2013.⁴⁰ For the December 6, 2013 hearing, the *only issue before the Commission* is whether the period of reimbursement ends on July 1, 2011 for *all counties*, for the six activities identified in the statement of decision.

II. Positions of the Requester, Test Claimant, and Interested Parties and Persons

A. Department of Finance, Requester

On January 15, 2013, DOF submitted a request to adopt a new test claim decision regarding Welfare and Institutions Code sections 6601, 6602, 6603, 6604, 6605, and 6608, pursuant to Government Code section 17570. DOF asserts that Proposition 83 constitutes a subsequent change in the law, as defined in section 17570, which, when analyzed in light of section 17556, results in the state's liability under the test claim statutes being modified. DOF argues that "the state's obligation to reimburse affected local agencies has ceased."⁴¹ Specifically, DOF argues that because sections 6601, 6604, 6605, and 6608 were included in their entirety in Proposition 83, the voters reenacted the entirety of those sections, "including the portions not amended," and therefore the test claim statutes impose duties expressly included in the voter-enacted ballot measure. DOF also argues that "[t]he remainder of the mandate's Welfare and Institutions Code sections that were not expressly included in the ballot measure are, nevertheless, necessary to implement the ballot measure." DOF concludes that "all activities found to be reimbursable by the Commission in the *Sexually Violent Predator* mandate are no longer reimbursable pursuant to Government Code section 17556, subdivision f, as they are either: (1) expressly included in Prop 83 or, (2) necessary for the implementation of Prop 83."⁴²

DOF filed comments on the draft staff analysis for the second hearing, in which DOF responded to the comments from some of the interested parties, as discussed below, and substantially agreed with staff's analysis.⁴³ DOF filed additional comments on the revised draft staff analysis and proposed statement of decision, substantially concurring with staff's analysis regarding the period of reimbursement.⁴⁴

B. County of Los Angeles, Claimant for CSM-4509

LA County filed comments on the redetermination request, summarized as follows:

⁴⁰ Exhibit EE, Revised Draft Staff Analysis, Second Hearing.

⁴¹ Exhibit A, Request for Redetermination, at p. 2.

⁴² *Ibid.*

⁴³ Exhibit CC, DOF Comments on Draft Staff Analysis, Second Hearing.

⁴⁴ Exhibit FF, DOF Comments on Revised Draft Staff Analysis, Second Hearing.

The County opposes the DOF's request to adopt a new test claim on the basis that: 1) the extraneous text included in the body of Prop 83 did not constitute a change in the law; 2) Prop 83 did not convert activities identified in the Commission's 1998 Statement of Decision to activities necessary to implement Prop 83, therefore, no longer reimbursable; and 3) Government Code Section 17570 is unconstitutional.⁴⁵

LA County's position relies on its reasoning that Statutes 2006, chapter 337 (SB 1128), enacted as urgency legislation on September 20, 2006, made most of the same substantive amendments to the code that would be enacted by Proposition 83 less than two months later. LA County argues that because the law in effect immediately prior to the passage of Proposition 83 was substantially the same, Proposition 83 cannot constitute a subsequent change in law:

The changes actually proposed by Prop 83 were few and narrow, particularly in light of revisions to SVP laws that had recently been codified by S8 1128. The Secretary of State's practice of giving textual context to a ballot proposal by including unaffected statutory provisions is a benign protocol intended to fully inform the voters. Affirmation of existing law most certainly does not give rise to the change in law contemplated by Section 17570.⁴⁶

Thus, LA County also implies, in the excerpt above, that sections 6601, 6604, 6605, and 6608 were reproduced in the ballot measure in their entirety as a matter of "protocol," and not because the ballot measure was intended to effect substantive or pervasive changes. Finally, LA County argues that section 17570 is unconstitutional on separation of powers grounds, and because it is "an infringement of article XIII B, section 6, of the California Constitution."⁴⁷

In response to the draft staff analysis and proposed statement of decision at the first hearing, LA County argued in late comments that DOF's delay of "nearly six and a half years after the passage of Proposition 83" in bringing this reconsideration request was unreasonable because the Legislature in 2008 directed the Commission to set aside and reconsider the SVPs mandate "upon final resolution of any pending litigation challenging the constitutionality of subdivision (f) of section 17556." LA County also states that the current redetermination process was made effective October 19, 2010, but that DOF "waited until January 2013." Finally, LA County argues that Proposition 83's standards for defining a person as an SVP and for releasing an SVP, once adjudicated, should not be applied to "pre Prop 83 offenders."⁴⁸ LA County argues that to end mandate reimbursement for offenders determined to be SVPs prior to the adoption of Proposition 83 would violate the rights of offenders and "nullify judges' sentencing orders." LA County concludes that "[r]etroactive application of the Prop 83 SVP law (a violation of Ex PostFacto Law) would be unconstitutional.

⁴⁵ Exhibit M, County of Los Angeles Comments, at p. 1.

⁴⁶ Exhibit M, County of Los Angeles Comments, at pp. 1-2.

⁴⁷ Exhibit M, County of Los Angeles Comments, at p 5.

⁴⁸ Exhibit T, County of Los Angeles Comments, at pp. 1-2.

LA County filed comments on the draft staff analysis for the second hearing, in which it expressed disagreement with staff's conclusion that the subsequent change in law ends reimbursement for all but two of the eight original activities approved in the CSM-4509 test claim. The County continues to argue that "Prop. 83 did not convert activities identified in the Commission's 1998 SOD to activities necessary to implement Prop. 83 and therefore, are no longer reimbursable [*sic*]." In addition, the County continues to stress that "even if there was a change in the law, the new law should not be applied retroactively to pre Prop. 83 SVP's."⁴⁹

At the second hearing on September 27, 2013, the County raised an issue regarding the period of reimbursement that would apply to the new test claim decision, if adopted. As pointed out by representatives of the County of Los Angeles, while Proposition 83 was pending enactment by the voters, and shortly after SB 1128 had been enacted to make certain changes to the Sexually Violent Predators Act, the District Attorney, the Public Defender, and the Presiding Judge of the Superior Court for the County of Los Angeles entered into a stipulation to continue operating under the SVPA as it existed prior to the amendments made by SB 1128 (which were essentially the same amendments that would be enacted by Proposition 83 a few weeks later). The stipulation was entered into "due to uncertainty in the retroactive application of this change," and was held to be enforceable against the People in *People v. Castillo* (2010) 49 Cal.4th 145. The County alleged that the California Supreme Court's finding that the stipulation was enforceable should be applied by the Commission to prevent an inappropriate retroactive application of the Proposition 83 and, thus, mandate reimbursement should therefore continue for those pending SVP cases in the County. The County further argues that applying the period of reimbursement of July 1, 2011 to the new test claim decision would essentially nullify the decision of the California Supreme Court.

C. State Controller's Office

The SCO agrees with DOF "that the eight activities previously determined to be reimbursable in the Statement of Decision adopted on June 25, 1998 cease to be reimbursable."⁵⁰

D. Other Interested Parties and Persons

1. California District Attorneys' Association; San Bernardino County District Attorney's Office

The CDAA and the San Bernardino County DA argue that "[t]he application of Government Code § 17556(f) to Proposition 83 in order to terminate state subvention of mandated sexually violent predators is legally incorrect." CDAA continues:

The Department of Finance contention that the mere recitation of any portion of a statute contained in a proposition, brings it within the "expressly included in" language of Government Code § 17556(f) regardless of whether the sections mandating local activity were amended or not, and whether or not the intent of the initiative and purpose of the initiative was to eliminate the subvention requirements of Article XIII B §6 by operation of Government Code § 17566(f),

⁴⁹ Exhibit DD, County of Los Angeles Comments on Draft Staff Analysis, Second Hearing.

⁵⁰ Exhibit E, SCO Comments, at p. 1.

is not warranted. Such an interpretation would make the application of the statute so over broad and vague that no voter, local official, or legal analyst could accurately predict whether state mandated subvention would cease to exist as they voted to pass any ballot initiative that referenced existing law.⁵¹

They also argue that there is no evidence, including in the ballot materials, that the voters intended Proposition 83 to terminate the state's liability under article XIII B, section 6, to reimburse the test claim statutes. To support this argument they cite a letter from the Legislative Analyst's Office (LAO) and DOF to then-Attorney General Lockyer, in which "[t]he unequivocal conclusion of both officials is that the costs of the SVP program would remain a reimbursable by the state." They assert that this conclusion should be given great weight, "despite the Department of Finance's now changed opinion."⁵²

2. California State Association of Counties

CSAC argues that the state's liability has not been affected by Proposition 83. Specifically, CSAC argues that the California Constitution mandates reimbursement for new programs or higher levels of service, subject to "four exceptions, but none of them are relevant in this case." CSAC argues that "[i]n particular, there is no exception for a ballot measure that voters pass years later that does not substantively amend any of the language that established the mandate in the first place."⁵³ CSAC further argues that the SVP program was unaffected by the passage of Proposition 83: "[b]ecause the ballot measure made no substantive changes to the reimbursable aspects of the program, the SVP program established by the Legislature would have remained in place whether voters approved or disapproved Proposition 83." CSAC also notes that "SB 1128, by Senator Alquist, amended Sections 6600, 6601, 6604, 6604.1, and 6605 of the Welfare and Institutions Code, among many others," less than two months prior to the election in which Proposition 83 was adopted, and that therefore Proposition 83 made no substantive changes to the law in effect at that time. Finally, CSAC argues that the request should be rejected because the Director of DOF "told the voters that counties would be reimbursed." CSAC cites the ballot materials and the analysis published leading up to the election:

At the time Proposition 83 went to the ballot, the chief analysts representing both the Administration and the Legislature- the Director of Finance and the Legislative Analyst- agreed that all county costs related to the SVP commitment process would be reimbursed by the state. They stated the fact that counties would be reimbursed four times in their official fiscal analysis provided to the Attorney General, and voters decided the outcome of Proposition 83 based in part on that assurance.

In their official fiscal analysis of the ballot measure required by law, the Legislative Analyst and Director of Finance state unequivocally that Proposition

⁵¹ Exhibit F, CDAA Comments, at p. 1; Exhibit I, San Bernardino County DA Comments, at p. 1.

⁵² Exhibit F, CDAA Comments, at p. 4; Exhibit I, San Bernardino County DA Comments, at p. 4.

⁵³ Exhibit G, CSAC Comments, at p. 1.

83 would increase state costs to, among other things, "reimburse counties for their costs for participation in the SVP commitment process."⁵⁴

CSAC implies that these analyses constitute evidence of voter intent, which in turn should be given substantial weight in evaluating whether a subsequent change in law has occurred.

CSAC filed further comments in response to the draft staff analysis for the second hearing, in which CSAC continues to argue that the state's liability under the test claim has not been modified. CSAC argues that Proposition 83, "merely amended irrelevant parts to the program the Legislature had long-before mandated." In addition, CSAC argues that based on this redetermination request, "the Department of Finance claims Government Code section 17556(f) applies so broadly as to make it no different than the interpretation already ruled unconstitutional by the courts" in *CSBA v. State of California* (2009) 171 Cal.App.4th 1183. Finally, CSAC argues that Proposition 83 does not constitute a reenactment of the unaffected portions of the statutes, stating that case law "is clear on the point that the mere recitation of unamended law to give context for proposed amendments does not constitute reenactment." CSAC maintains that Government Code 9605 controls, and that portions of a statute that are not amended are "not to be considered as having been repealed and reenacted in the amended form."⁵⁵

3. California Public Defenders' Association and Alameda County Public Defender's Office

CPDA and Alameda County Public Defender's Office submitted substantially identical comments opposing the request for redetermination, in which they argue:

- (1) The 2012 legislative amendment and re-enactment of the Sexually Violent Predator Act (SVP A) either confirmed the viability of the Sexually Violent Predator Mandate (CSM-4509), or, *arguendo*, superseded any impact that Proposition 83 may have affected on the mandate;
- (2) Misrepresentation and the doctrines of estoppel and unclean hands bar the DOF's redetermination request;
- (3) Proposition 83 did not effectuate a "subsequent change in the law" as contemplated by Government Code section 17570; and
- (4) Government Code section 17570 is unconstitutional.⁵⁶

The comments note that in 2012, the Legislature enacted substantive amendments to the SVP program, which, it is argued, "superseded any impact" of Proposition 83. CPDA and the Alameda County Public Defender's Office argue that due to the 2012 amendments to the relevant codes sections "Proposition 83 is no longer the statutory authority supporting the SVPA; consequently the cost incurred by local agencies to comply with the 2012 legislatively enacted SVPA is a cost mandated by the state."⁵⁷ The comments cite the LAO and DOF analysis of

⁵⁴ Exhibit G, CSAC Comments, at p. 3.

⁵⁵ Exhibit AA, CSAC Comments on Draft Staff Analysis, Second Hearing, at pp. 1-3.

⁵⁶ Exhibit H, CPDA Comments, at p. 1; Exhibit N, Alameda County Public Defender's Comments, at p. 2.

⁵⁷ Exhibit H, CPDA Comments, at p. 2; Exhibit N, Alameda County Public Defender's Comments, at p. 3.

Proposition 83, and argue that DOF should now be estopped from seeking redetermination of the SVP mandate because of the position taken prior to the election on Proposition 83.⁵⁸ The comments also focus on the 2006 legislative amendment to the SVP program, arguing that DOF's request for redetermination "is misleading because the statutory language quoted from the SVPA by the DOF's January 15, 2013, request, as well as that include [sic] in the actual proposition, was not the statutory language in effect at the time Proposition 83 was passed on November 7, 2006."⁵⁹ The comments also assert that section 17570 is unconstitutional, because it is unconstitutionally vague, with respect to the term "subsequent change in law," and because it violates separation of powers doctrine.⁶⁰

Finally, in comments submitted on the draft staff analysis for the first hearing, CPDA argues that prior reconsiderations conducted at the direction of the Legislature with respect to four prior test claims, and ultimately struck down by the court of appeal, demonstrate that a legal process or mechanism for reconsidering a test claim was in effect at the time Proposition 83 was adopted, and that therefore the analysis included in the ballot materials was incorrect and misleading to voters, and that estoppel principles, or unclean hands doctrine, should be applied to bar DOF from bringing its redetermination request under section 17570.⁶¹

4. County of San Bernardino

The County of San Bernardino argues that DOF's interpretation of section 17556 is legally incorrect. San Bernardino focuses on the intent of the voters in adopting Proposition 83, stating:

The Department of Finance's flawed interpretation of the "expressly included" language of Government Code Section 17556(f) fails to consider whether the ballot language intended to enact or change the state reimbursement of mandated activities.

San Bernardino also implies that no subsequent change in law has occurred, reasoning that "[t]he statutory changes in the initiative did not relieve counties of their preexisting state mandated activities per Welfare and Institutions Code section 6601 through 6604."⁶²

5. Sacramento County District Attorney's Office

The Sacramento County DA argues that no subsequent change in law has occurred, and that "the legislature still retains a true choice in whether to have the duties imposed on local government in the statute remain with local governments, or change the statutes so that the mandated duties are performed at the state level." The Sacramento County DA focuses on the fact that

⁵⁸ Exhibit H, CPDA Comments, at pp. 3-4; Exhibit N, Alameda County Public Defender's Comments, at pp. 4-5.

⁵⁹ Exhibit H, CPDA Comments, at p. 4; Exhibit N, Alameda County Public Defender's Comments, at p. 5.

⁶⁰ Exhibit H, CPDA Comments, at p. 6; Exhibit N, Alameda County Public Defender's Comments, at p. 7.

⁶¹ Exhibit S, CPDA Comments on Draft Staff Analysis.

⁶² Exhibit J, County of San Bernardino Comments.

Proposition 83 permits the Legislature “to amend, by a statute passed by a roll call vote of two-thirds of each house,” and implies that the failure to relieve local agencies of the duties imposed by Proposition 83 constitutes a reimbursable state mandate.

The Sacramento County DA argues further that “[t]he fact that pre-existing law has simply been recited again, either in a statute re-enacted by the legislature, or as part of a new ballot measure...does not amount to a change in the law for § 17570 purposes.” The Sacramento County DA focuses on the fact that “the mandated activities at issue here were in place before the initiative was enacted,” and concludes that “there has been no change in the applicable law.”⁶³

Finally, the Sacramento County DA argues that DOF’s redetermination request was never intended by the voters, and that a new test claim decision eliminating reimbursement would provide a windfall to the state, and impose a hardship on local governments.⁶⁴

6. Los Angeles County District Attorney’s Office

The LA County DA argues that “[t]he activities for which the county is being reimbursed, the basis for the Commission’s Statement of Decision, and the need for reimbursement from the State in order to comply with SVP laws have not changed since the Statement of Decision was adopted.”

The LA County DA argues that Proposition 83 “simply reaffirmed many of the changes already effectuated by SB 1128,” that “the changes actually proposed by Prop 83 were few and narrow,” and that “[a]ffirmation of existing law certainly does not give rise to the change in law contemplated by Section 17570.”⁶⁵ The LA County DA argues that “inclusion, within the text of an initiative, of language that is unaffected by proposed revisions to the law does not constitute a change in the law.”⁶⁶ The LA County DA further asserts that “[a]n activity may not fairly be recharacterized as “necessary to implement” another activity simply because an antecedent activity may have been affected by a change in the law,” and that “a reimbursable activity does not cease to be a reimbursable activity because it happens to have constitutional implications.” And the LA County DA argues that “Prop 83’s mere reaffirmation of legislative action does not constitute a change in the law.”⁶⁷ Additionally, the LA County DA proffers a theory of equitable estoppel, based on the LAO and DOF analysis of Proposition 83 leading up to the election, discussed below, and the conclusion that Proposition 83 would not affect mandates.⁶⁸ Finally, LA County DA asserts that section 17570 is unconstitutional, as a violation of separation of powers doctrine.⁶⁹

⁶³ Exhibit K, Sacramento County District Attorney’s Office Comments, at pp. 1-2.

⁶⁴ Exhibit K, Sacramento County District Attorney’s Office Comments, at p. 3.

⁶⁵ Exhibit L, Los Angeles County District Attorney’s Office Comments, at pp. 2-3.

⁶⁶ Exhibit L, Los Angeles County District Attorney’s Office Comments, at pp. 4-5.

⁶⁷ Exhibit L, Los Angeles County District Attorney’s Office Comments, at pp. 4-8.

⁶⁸ Exhibit L, Los Angeles County District Attorney’s Office Comments, at pp. 8-10.

⁶⁹ Exhibit L, Los Angeles County District Attorney’s Office Comments, at pp. 11-12.

7. County Counsel of San Diego

The County Counsel of San Diego argues that “Jessica’s Law [Proposition 83] did not make any changes material to the relevant statutes as they existed immediately before the adoption of Jessica’s Law,” that the 2012 reenactment “supersedes any effects that Jessica’s Law may have had on the state’s obligation,” that “DOF’s request is based on the unconstitutionally broad language in Section 17556(f) that impermissibly directs the commission to apply the ballot measure exception to previously enacted legislation.” The County Counsel of San Diego further argues that “DOF’s Request relies on the unconstitutionally broad definition of what constitutes a ‘subsequent change in the law’ set forth in Section 17570.”⁷⁰

The County Counsel filed additional comments in response to the Commission’s draft staff analysis for the second hearing, in which the County Counsel continued to stress that Proposition 83 “did not substantively alter any of the provisions of the Welfare and Institutions Code sections containing the mandated activities,” and that therefore “Jessica’s Law cannot be considered to have affected [*sic*] a subsequent change in law.” In addition, the County Counsel argues that the draft staff analysis and proposed statement of decision “correctly concludes that certain costs relating to the probable cause hearing required pursuant to Welfare and Institutions Code section 6602 continue to be reimbursable,” but that “the costs the county’s designated counsel and indigent defense counsel incur for retention of necessary experts, investigators, and professionals for preparation and appearance at the probable cause hearing” should also be reimbursable. The County Counsel holds that “[e]ven though these costs are not expressly identified as reimbursable costs in the original test claim decision, these costs have been and should continue to be reimbursed to claimants by the state.”^{71,72}

8. Alameda County District Attorney’s Office

The Alameda County DA argues that Proposition 83 did not make any material changes to the responsibilities of county counsel offices or district attorneys’ offices; that DOF’s interpretation

⁷⁰ Exhibit O, County Counsel of San Diego Comments, at p. 2.

⁷¹ Exhibit BB, County Counsel of San Diego Comments on Draft Staff Analysis, Second Hearing, at pp. 2-3.

⁷² These costs are not identified as reimbursable in the parameters and guidelines or the test claim decision previously adopted by the Commission. Neither are these costs required by the plain language of the test claim statutes. Therefore the appropriate course of action is for the Commission to address whether these activities are “reasonably necessary,” within the meaning of section 17557, when amending the parameters and guidelines. The Commission cannot add reasonably necessary activities of its own motion, and therefore this will require a comment by an eligible claimant asserting that this is a reasonably necessary activity, and including evidence in the record to support that assertion. If factual representations are made to support such a claim in written comments, they must be supported with documentary evidence included with the comments must and be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant’s personal knowledge or information or belief.

of section 17556(f) “cannot be the correct interpretation;” and that DOF’s request “should be rejected on common law principles of laches and estoppel.”⁷³

9. County of Orange Comments on Draft Staff Analysis, Second Hearing

The County of Orange argues that “[t]he proposed statement of decision will greatly impact Orange County’s ability to continue providing the services associated with SVP laws.”⁷⁴ The County argues that it is “a flawed and legally incorrect premise” that “the mere reiteration and non-substantive amendment in a ballot initiative of an existing statute enacted by the Legislature relieves the state of its constitutional obligation to reimburse the counties for the cost of implementing the statutory scheme.” The County further argues restatement of several sections of the Welfare and Institutions Code within Proposition 83 was “meant to provide voters with additional context to inform their decisions,” and that “the restatement and amendment of the statutory scheme by a ballot measure did not impact the State’s subvention duties.”⁷⁵ The County of Orange further warns of the “dangerous public policy precedent,” in that the Attorney General “could lead the electorate down the primrose path by providing information to the electorate that ultimately results in the passage of a voter initiative.” Meanwhile, the County argues, “another body of the state government is lying in wait to seek redetermination of a State Mandate on the basis that the voter initiative caused a change in law and thus the state should no longer be required to reimburse local governments for costs rightfully determined state mandated costs.” The County concludes that approving this proposed statement of decision “would be providing the legislature with the ability to avoid previously determined fiscal obligations through by [*sic*] abusing the voter initiative process.”⁷⁶

10. District Attorney of Orange County Comments

The Orange County District Attorney argues in comments on the draft that Finance’s request to adopt a new test claim decision ending reimbursement “would be inequitable and impose a financial hardship on the county.” The District Attorney also argues that Proposition 83 “did not effectuate a ‘subsequent change in law,’” as contemplated by section 17570, “because the ballot measure made no substantive changes to the reimbursable component of the program.”⁷⁷

11. San Bernardino County Public Defender Comments

The Public Defender of San Bernardino County argues that “[s]ince Proposition 83 mirrored many of the same provisions as cited in SB 1128 and effectuated changes that were procedural rather than substantive, its enactment did not constitute a ‘subsequent change in law’ as required under Government Code [section] 17570.” The Public Defender argues also that “mere recitation of an existing law” should not be used “as a shield to negate [the State’s] responsibility

⁷³ Exhibit P, Alameda County District Attorney’s Comments, at pp. 2-5.

⁷⁴ Exhibit W, County of Orange Comments on Draft Staff Analysis, Second Hearing, at p. 1.

⁷⁵ *Id.*, at pp. 4-5.

⁷⁶ *Id.*, at p. 5.

⁷⁷ Exhibit Y, Orange County District Attorney Comments on Draft Staff Analysis, Second Hearing, at p. 1.

to reimburse local governments for activities that support a legislatively created state-mandated program.” Finally, the Public Defender appeals to public policy:

The fiscal impact to our county is significant. The Public Defender currently provides representation on 55 outstanding SVP petitions against individuals. A competent defense requires a significant investment of time from attorneys and investigators and the retention of qualified experts and other professionals. The state’s reimbursement for services rendered under SVPA for FY 2010-2011 by the Public Defender was \$846,339.⁷⁸

III. Discussion

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the increased costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a successful test claim with the Commission. “Test claim” means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.⁷⁹ The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.⁸⁰ In making its decisions, the Commission must strictly construe article XIII B, section 6, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”⁸¹

Under Government Code section 17570, upon request, the Commission may consider the adoption of a new test claim decision to supersede a prior test claim decision based on a subsequent change in law, as defined, which modifies the state’s liability. If the Commission adopts a new test claim decision that supersedes the previously adopted test claim decision, the Commission is required to adopt new parameters and guidelines or amend existing parameters and guidelines.

⁷⁸ Exhibit Z, San Bernardino County Public Defender Comments on Draft Staff Analysis, Second Hearing, at p. 1.

⁷⁹ *Kinlaw v. State of California* (1991) 53 Cal.3d 482, 487; Government Code sections 17551; 17552.

⁸⁰ *County of San Diego v. State of California*, (1997) 15 Cal.4th 68, 109.

⁸¹ *County of Sonoma v. Commission on State Mandates*, (2000) 84 Cal.App.4th 1265, 1280, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

A. Finance’s Argument for the Adoption of a New Test Claim Decision to Supersede the Prior Decision in Test Claim (CSM-4509).

On May 28, 1998, the Commission heard the CSM-4509 test claim on the SVP program. That test claim alleged that the following Welfare and Institutions Code sections imposed reimbursable state-mandates: 6250, and 6600 through 6608, as amended by Statutes 1995, chapter 762; Statutes 1995, chapter 763; and Statutes 1996, chapter 4.⁸²

The Commission approved reimbursement only for the following activities under sections 6601, 6602, 6603, 6604, 6605, and 6608:

1. Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601(i).)
2. Initial review of reports and records by the county’s designated counsel to determine if the county concurs with the state’s recommendation. (Welf. & Inst. Code, § 6601(i).)
3. Preparation and filing of the petition for commitment by the county’s designated counsel. (Welf. & Inst. Code, § 6601(i).)⁸³
4. Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
5. Preparation and attendance by the county’s designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)
6. Preparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605(b-d), and 6608(a-d).)
7. Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605(d).)
8. Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

All remaining provisions of the test claim statutes were denied.⁸⁴

⁸² Exhibit B, Test Claim Statement of Decision.

⁸³ The Test Claim Statement of Decision cites subdivision (j), but subdivision (j) addresses time limits, not a petition for commitment. The Commission therefore assumes that this is a typographical error, and that the citation intended is to subdivision (i).

⁸⁴ Exhibit B, Test Claim Statement of Decision, at p. 12. The numbers attached to the activities above are assigned by DOF, in its request for redetermination; the same numbering is adopted in this analysis, for purposes of expedience and clarity, rather than utilizing the bulleted list adopted by the Commission in the test claim statement of decision.

DOF asserts that activities 1, 2, 3, and 6, approved in the test claim statement of decision, were expressly included in Proposition 83. Activities 1, 2, and 3 involve the county's role in filing and litigating a civil commitment hearing on behalf of the state. These activities are required by section 6601(i), and while DOF concedes that Proposition 83 did not make amendments to subdivision (i), specifically, it amended and reenacted the entirety of section 6601, including the activities approved under subdivision (i). Activity 6 is required by sections 6605 and 6608. The sections encompassing these activities were reenacted and amended also by Proposition 83.⁸⁵ DOF asserts that the reenactment of sections 6601, 6604, 6605, and 6608 is sufficient to implicate the "expressly included in" limitation of section 17556(f), prohibiting the Commission from finding "costs mandated by the state," and in turn supporting the adoption of a new test claim decision.

DOF asserts as well that Activities 4, 5, 7 and 8 are "necessary to implement" Proposition 83, within the meaning of section 17556(f), and therefore these requirements also have been superseded by the ballot initiative.⁸⁶ DOF therefore brings this request to adopt a new test claim decision, in accordance with the provisions of section 17570.

B. Section 17556(f) Prohibits the Commission from Finding Costs Mandated by the State for Most of the Duties Imposed by the Test Claim Statutes Because Those Duties are Necessary to Implement or Expressly Included in a Ballot Measure Approved by the Voters in a Statewide Election.

Government Code section 17556(f) provides that the Commission "shall not find" costs mandated by the state if:

The statute or executive order imposes duties that are necessary to implement, or are expressly included in, a ballot measure approved by the voters in a statewide or local election. This subdivision applies regardless of whether the statute or executive order was enacted or adopted before or after the date on which the ballot measure was approved by the voters.⁸⁷

CSBA I makes clear that this statutory exclusion from reimbursement is consistent with the subvention requirements of article XIII B, section 6.⁸⁸ The court in *CSBA I* reasoned that the subvention requirement applies to mandates imposed by the Legislature, not by the voters; the voters' powers of initiative and referendum are reserved powers, not vested in the Legislature, and are therefore not limited by article XIII B, section 6. *CSBA I* holds that the reimbursement

⁸⁵ Exhibit A, Redetermination Request, at pp. 1-2.

⁸⁶ See Exhibit A, Redetermination Request, at pp. 2-3, and Exhibit R, DOF Comments on Draft Staff Analysis, at p. 1., wherein DOF corrected the original inadvertent omission of activity number 8.

⁸⁷ As amended by Statutes 2010, chapter 719 (SB 856).

⁸⁸ *California School Boards Association v. State of California (CSBA I)* (Cal. Ct. App. 3d Dist. 2009) 171 Cal.App.4th 1183, 1206-1207; 1210.

requirement applies only to *state-mandated* costs, not costs incurred by way of “the people acting pursuant to the power of initiative.”⁸⁹

“Having established that costs imposed on local governments by ballot measure mandates need not be reimbursed by the state,” and thus approving the statutory exclusion to the extent of statutes imposing duties “expressly included in” a ballot measure, the court considered also whether reimbursement is required for activities embodied in a test claim statute that are “necessary to implement” a voter-enacted ballot measure. In *San Diego Unified*, costs that were incidental to a federal mandate were not reimbursable under section 17556(c), because those costs were imposed under Education Code provisions “adopted to implement a federal due process mandate.”⁹⁰ The *CSBA I* court therefore concluded that “[t]he language of [section 17556(f)] relieving the State of the obligation to reimburse a local government for duties ‘necessary to implement’ a ballot measure is *unobjectionable* because it corresponds to the Supreme Court’s holding in *San Diego Unified* that state statutes codifying federal mandates are not reimbursable.”⁹¹ The court rejected, however, the “reasonably within the scope of” test, also provided in subdivision (f) at that time, as being overbroad, and the Legislature amended the code section the following year to excise the offending language.⁹²

Section 17556(f) also states that the rule “applies regardless of whether the statute or executive order was adopted prior to or after the date on which the statute or executive order was enacted or issued.” This provision, like the “reasonably within the scope of,” and “necessary to implement” tests, first appeared in section 17556 in 2005.⁹³ This last provision, stating that the order of enactment is not material to the analysis under section 17556(f), has not yet been tested in the courts,⁹⁴ but the Commission must presume that the statutes enacted by the Legislature are constitutional until the courts declare otherwise.⁹⁵

⁸⁹ *Ibid.*

⁹⁰ *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859.

⁹¹ *California School Boards Association v. State, supra, (CSBA I)* (Cal. Ct. App. 3d Dist. 2009) 171 Cal.App.4th 1183, at p. 1213 [emphasis added], citing *San Diego Unified, supra, (2004) 33 Cal.4th 859*.

⁹² Government Code section 17556(f) (Stats. 2010, ch. 719 (SB 856) [amended to remove “reasonably within the scope of,” as an alternative test to “expressly included in,” or “necessary to implement,” consistent with the court’s decision in *CSBA I, supra*]).

⁹³ As discussed above, the “reasonably within the scope of” test has been disapproved by the courts and removed from the code; compare Statutes 2004, chapter 895 (AB 2855) to Statutes 2005, chapter 72 (AB 138).

⁹⁴ The constitutionality of Government Code sections 17570, in conjunction with section 17556, is being challenged in *California School Boards Assoc., et al. v. State of California, Commission on State Mandates, John Chiang, as State Controller, and Ana Matosantos, as Director of the Department of Finance*, Alameda County Superior Court, Case No. RG11554698.

⁹⁵ *California School Boards Association v. State of California, (CSBA II)* (Cal. Ct. App. 4th Dist. 2011) 192 Cal.App.4th 770, 795; *Porter v. City of Riverside* (1968) 261 Cal.App.2d 832, 837.

For the following reasons, the Commission finds that section 17556(f) applies in this case to end reimbursement for most of the activities, as specified, beginning July 1, 2011.

1. The Test Claim Statutes Impose Duties that are Expressly Included in Proposition 83

The original test claim decision assumed jurisdiction over Welfare and Institutions Code sections 6601, 6602, 6603, 6604, 6605, and 6608, as amended by Statutes 1995, Chapter 762 (SB 1143); Statutes 1995, Chapter 763 (AB 888); and Statutes 1996, Chapter 4 (AB 1496).⁹⁶ Here, the Commission's jurisdiction is confined to the statutes pled in the original test claim, and any effect that the alleged subsequent change in law, Proposition 83, may have had on those original test claim statutes, as pled in CSM-4509.⁹⁷ Proposition 83 amended and reenacted, wholesale, sections 6601, 6604, 6605, and 6608 of the Welfare and Institutions Code, and made other changes which likely impact the operation of the remaining sections. By amending the code sections, Proposition 83 does not *expressly include the test claim statutes* exactly as amended by Statutes 1995, chapters 762 and 763, and Statutes 1996, chapter 4; but the focus of Government Code section 17556(f) is not whether *the test claim statute* is expressly included in a ballot measure, but whether the *duties imposed by the test claim statute* are expressly included in a voter-enacted ballot measure.⁹⁸ Therefore it is incumbent upon the Commission to consider the activities approved (duties imposed by the statute) in the earlier test claim, and whether those activities have been subsumed within the requirements of Proposition 83. If so, then the *duties imposed by the test claim statute*, as determined in the original test claim decision, are *expressly included* in the approved ballot measure. All of the local government commenters have challenged this theory; many have argued that "recitation" of the code sections in a ballot measure does not constitute a subsequent change in law because the law was not amended. But the issue is not whether the statutes in the original test claim have been changed substantively, but *whether the test claim statutes, as those statutes were pled in the original test claim, impose duties that are necessary to implement or expressly included in a voter-enacted ballot measure.*

In the original test claim statement of decision, the Commission approved reimbursement for the following activities, numbered one through eight for purposes of this analysis:

Activity 1 – Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601(i).)

Activity 2 – Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601(i).)

Activity 3 – Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601(j).)

⁹⁶ Exhibit B, Test Claim Statement of Decision.

⁹⁷ Exhibit A, Redetermination Request.

⁹⁸ Government Code section 17556(f).

Activity 4 – Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)

Activity 5 – Preparation and attendance by the county’s designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)

Activity 6 – Preparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605(b-d), and 6608(a-d).)

Activity 7 – Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605(d).)

Activity 8 – Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)⁹⁹

Activities 1, 2, and 3 derive from section 6601, as amended by Statutes 1995, chapter 762 (SB 1143); Statutes 1995, chapter 763 (AB 888); and Statutes 1996, chapter 4 (AB 1496), and are expressly included in section 6601, as amended by Proposition 83. Section 6601, as amended, provides, in pertinent part:

(h) If the State Department of Mental Health determines that the person is a sexually violent predator as defined in this article, the Director of Mental Health shall forward a request for a petition to be filed for commitment under this article to the county designated in subdivision (i). Copies of the evaluation reports and any other supporting documents shall be made available to the attorney designated by the county pursuant to subdivision (i) who may file a petition for commitment in the superior court.

(i) If the county’s designated counsel concurs with the recommendation, a petition for commitment shall be filed in the superior court of the county in which the person was convicted of the offense for which he or she was committed to the jurisdiction of the Department of Corrections. The petition shall be filed, and the proceedings shall be handled, by either the district attorney or the county counsel of that county. The county board of supervisors shall designate either the district attorney or the county counsel to assume responsibility for proceedings under this article.¹⁰⁰

Section 6601(i) requires the county board of supervisors to designate counsel to assume responsibility for proceedings “under this article.” Activity 1 is the requirement that the county designate counsel to assume responsibility for civil commitment proceedings.¹⁰¹ Activity 1 is thus expressly included in Proposition 83. Sections 6601(h) and 6601(i) provide for a

⁹⁹ Exhibit B, Test Claim Statement of Decision, at p. 13.

¹⁰⁰ Exhibit X, Ballot Pamphlet, November 7, 2006, at p. 137.

¹⁰¹ Exhibit B, Test Claim Statement of Decision, at p. 13.

recommendation to be made by DMH, and copies of mental health evaluations and other documents to be made available to the designated counsel, who, if he or she concurs with the recommendation, shall file a petition.¹⁰² Activity 2 is the requirement that the designated counsel review the reports and records to determine whether he or she agrees with the recommendation of DMH.¹⁰³ Activity 2 is thus expressly included in the provisions of Proposition 83. Section 6601(i) requires the designated counsel to file a petition and “assume responsibility for proceedings.” Activity 3 is the requirement that designated counsel prepare and file a petition for civil commitment.¹⁰⁴ Thus, Activity 3 is expressly included in Proposition 83.

Activities 6 and 7 are also expressly included in the provisions of Proposition 83. Activity 6 requires “[p]reparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator.”¹⁰⁵ Sections 6605 and 6608, as amended by Proposition 83, provide for a subsequent hearing to determine whether a person continues to fit the definition of a sexually violent predator, and whether release to a less-restrictive environment is appropriate. That hearing is triggered in one of two ways: either by a petition from the person committed, or by the recommendation of DMH. In either case, the designated counsel identified in section 6601(i) is required to represent the state, and the committed person is entitled to the assistance of counsel.

Section 6605, as amended by Proposition 83, provides, in pertinent part:

(b) If the Department of Mental Health determines that either: (1) the person’s condition has so changed that the person no longer meets the definition of a sexually violent predator, or (2) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the director shall authorize the person to petition the court for conditional release to a less restrictive alternative or for an unconditional discharge.

¶...¶

(d) *At the hearing, the committed person shall have the right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding. The attorney designated by the county pursuant to subdivision (i) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person also shall have the right to demand a jury trial and to have experts evaluate him or her on his or*

¹⁰² Exhibit X, Ballot Pamphlet, November 7, 2006, at p. 137.

¹⁰³ Exhibit B, Test Claim Statement of Decision, at p. 13.

¹⁰⁴ Ibid.

¹⁰⁵ Exhibit B, Test Claim Statement of Decision, at p. 13.

her behalf. The court shall appoint an expert if the person is indigent and requests an appointment...¹⁰⁶

And section 6608, as amended by Proposition 83, provides:

Nothing in this article shall prohibit the person who has been committed as a sexually violent predator from petitioning the court for conditional release or an unconditional discharge without the recommendation or concurrence of the Director of Mental Health...The person petitioning for conditional release and unconditional discharge under this subdivision shall be entitled to assistance of counsel.

¶...¶

The court shall give notice of the hearing date to the attorney designated in subdivision (i) of Section 6601, the retained or appointed attorney for the committed person, and the Director of Mental Health at least 15 court days before the hearing date.¹⁰⁷

Thus Activity 6, as approved in the original test claim decision, is expressly included in Proposition 83: the preparation and attendance of both the county's designated counsel and indigent defense counsel are expressly included in the voter-approved ballot measure.

Activity 7 includes "[r]etention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator."¹⁰⁸ Activity 7 is expressly included in Proposition 83 *to the extent* of retaining experts for *subsequent hearings* recommended by DMH, or requested by an indigent SVP. Section 6605, as amended by Proposition 83, provides:

At the hearing, the committed person shall have the right to be present and shall be entitled to the benefit of all constitutional protections that were afforded to him or her at the initial commitment proceeding. The attorney designated by the county pursuant to subdivision (i) of Section 6601 shall represent the state and shall have the right to demand a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person also *shall have the right* to demand a jury trial and *to have experts evaluate him or her on his or her behalf*. The court *shall appoint an expert if the person is indigent* and requests an appointment.¹⁰⁹

Similar language regarding the appointment of an expert to evaluate the person on his or her behalf is not found in section 6608, with respect to a hearing initiated on petition of the committed person. But the California Supreme Court held, in *People v. McKee*, that "[w]e do not believe, however, that the statute needs to be interpreted in this narrow manner." The court

¹⁰⁶ Exhibit X, Ballot Pamphlet, November 7, 2006, at p. 137.

¹⁰⁷ Exhibit X, Ballot Pamphlet, November 7, 2006, at p. 138.

¹⁰⁸ Exhibit B, Test Claim Statement of Decision, at p. 13.

¹⁰⁹ Exhibit X, Ballot Pamphlet, November 7, 2006, at p. 137.

held that “[a]lthough section 6605, subdivision (a) does not explicitly provide for the appointment of the expert in conjunction with a section 6608 petition, such appointment may be reasonably inferred.”¹¹⁰ The court concluded that “[t]here is no indication that the Legislature that authorized these expert appointments on behalf of an indigent SVP believed that such experts should be disallowed from testifying at an SVP’s section 6608 hearing, nor that an SVP’s indigence should serve as an obstacle to such testimony.”¹¹¹ Therefore, to the extent of retaining experts *for subsequent hearings only*, activity 7, as approved in the original test claim decision, is expressly included in the provisions of Proposition 83.

Based on the foregoing, the Commission finds that the following requirements of the test claim statutes are expressly included in Proposition 83, and therefore do not constitute a reimbursable state mandate within the meaning of article XIII B, section 6 and Government Code section 17556(f), beginning July 1, 2011:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings.¹¹²
 - Initial review of reports and records by the county’s designated counsel to determine if the county concurs with the state’s recommendation.¹¹³
 - Preparation and filing of the petition for commitment by the county’s designated counsel.¹¹⁴
 - Preparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator.¹¹⁵
 - Retention of necessary experts, investigators, and professionals for preparation *for subsequent hearings* regarding the condition of the sexually violent predator.¹¹⁶
2. Civil Commitments Provided for Under Proposition 83 Implicate Significant Due Process Considerations, and to the Extent the Test Claim Statutes Satisfy Due Process Requirements Triggered by Proposition 83, Those Statutes Impose Duties That are Necessary to Implement a Voter-Enacted Ballot Measure

Activities 4, 5, 8, and the remaining elements of activity 7, above, are not expressly included in Proposition 83, but some of these activities are necessary to implement Proposition 83.

¹¹⁰ *People v. McKee* (2010) 47 Cal.4th 1172, at p. 1192.

¹¹¹ *Id.*, at p. 1193.

¹¹² Welfare and Institutions Code section 6601(i) (as amended by Proposition 83 (2006)).

¹¹³ Welfare and Institutions Code section 6601(i) (as amended by Proposition 83 (2006)).

¹¹⁴ Welfare and Institutions Code section 6601(i) (as amended by Proposition 83 (2006)).

¹¹⁵ Welfare and Institutions Code sections 6605(b-d); 6608(a-b) (as amended by Proposition 83 (2006)).

¹¹⁶ Welfare and Institutions Code section 6605(d) (as amended by Proposition 83 (2006)).

Activities 4 and 5, as approved in the original test claim decision, require the preparation and attendance of counsel designated by the county pursuant to section 6601(i), and of indigent defense counsel, at the probable cause hearing and at trial. These activities were found to arise from Welfare and Institutions Code sections 6602, 6603, and 6604, as amended by Statutes 1995, chapter 762 (SB 1143); Statutes 1995, chapter 763 (AB 888); and Statutes 1996, chapter 4 (AB 1496).¹¹⁷ Activity 8, as approved in the original test claim decision, requires the local government to provide “[t]ransportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator.” That activity was found by the Commission to arise from section 6602, as amended by Statutes 1995, chapters 762 and 763, and Statutes 1996, chapter 4.¹¹⁸ And the portion of activity 7 not expressly included in Proposition 83, as discussed above, requires local government to retain experts, investigators, and professionals for trial to testify on the issue of whether an individual is or is not a sexually violent predator. That activity is attributed, in the test claim statement of decision, to section 6603, as amended by Statutes 1995, chapters 762 and 763.

Welfare and Institutions Code section 6602, as amended by Statutes 1995, chapter 763 (AB 888) and Statutes 1996, chapter 4 (AB 1496), provides:

A judge of the superior court shall review the petition and shall determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. The person named in the petition shall be entitled to assistance of counsel at the probable cause hearing. If the judge determines there is not probable cause, he or she shall dismiss the petition and any person subject to parole shall report to parole. If the judge determines that there is probable cause, the judge shall order that the person remain in custody in a secure facility until a trial is completed and shall order that a trial be conducted to determine whether the person is, by reason of a diagnosed mental disorder, a danger to the health and safety of others in that the person is likely to engage in acts of sexual violence upon his or her release from the jurisdiction of the Department of Corrections or other secure facility.

And Section 6603, as amended by Statutes 1995, chapters 762 and 763, provides:

A person subject to this article shall be entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and have access to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall appoint counsel to assist him or her, and, upon the person’s request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person’s behalf.

¹¹⁷ Exhibit B, Test Claim Statement of Decision, at p. 13.

¹¹⁸ *Ibid.*

These sections were not amended and reenacted by Proposition 83, and therefore continue to provide a statutory requirement that a person alleged to be a sexually violent predator be accorded a probable cause hearing, and trial by jury, and shall be entitled to the assistance of counsel. Section 6603 also requires that the person alleged to be a sexually violent predator is entitled to experts or professional persons to perform an examination on his or her behalf.

The issue is whether those requirements, as approved in the test claim statement of decision, constitute duties *necessary to implement* Proposition 83, or are additional requirements imposed as a matter of policy by the Legislature, thus requiring a finding that the requirements remain reimbursable under article XIII B, section 6. As discussed above, where mandated activities are imposed by the voters, not the Legislature, the courts have held that those activities are not reimbursable under article XIII B, section 6.¹¹⁹ In this context, reimbursement is required, consistent with article XIII B, section 6, only if the requirements of the test claim statutes go beyond what is necessary to implement the ballot initiative.

The due process clause of the United States Constitution provides that the state shall not “deprive any person of life, liberty, or property without due process of law.”¹²⁰ When an individual’s liberty or property interest is impacted by governmental action, due process protections attach, and require that certain procedural safeguards be provided to the individual. Although the SVPs program entails a *civil* commitment, not a *criminal conviction*, the person identified as a sexually violent predator is subject to a deprivation of liberty. And under Proposition 83, that deprivation is highly significant, being of indeterminate duration, rather than a two year commitment as provided under the prior statutes. Proposition 83 provides for indeterminate civil commitment of a person found to be a sexually violent predator, as follows:

The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole, whichever is applicable. *If the court or jury determines that the person is a sexually violent predator, the person shall be committed for an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health.* The facility shall be located on the grounds of an institution under the jurisdiction of the Department of Corrections.¹²¹

¹¹⁹ *California School Boards Association v. State of California (CSBA I)* (Cal. Ct. App. 3d Dist. 2009) 171 Cal.App.4th 1183, 1206-1207; 1210.

¹²⁰ U.S. Constitution, 5th and 14th Amendments; see also, due process provisions in the California Constitution, article 1, sections 7 and 15.

¹²¹ Welfare and Institutions Code section 6604, as amended by Proposition 83 (2006); Exhibit X, Ballot Pamphlet, at p. 137.

It is well-settled law that even temporary deprivations of an individual's liberty or property interest trigger due process protections. The length or severity of the deprivation must be weighed in determining what kind of process is due—not *whether* process is due.¹²²

In *San Diego Unified*,¹²³ the California Supreme Court addressed whether procedures instituted to provide a hearing and some modicum of due process to public school students under threat of expulsion constituted a reimbursable state mandate, or merely codified federal law, rendering such procedures not subject to reimbursement under article XIII B, section 6. The court reasoned as follows:

[T]he Legislature, in adopting specific statutory procedures to comply with the general federal mandate [to provide due process protections], reasonably articulated various incidental procedural protections. These protections are designed to make the underlying federal right enforceable and to set forth procedural details that were not expressly articulated in the case law establishing the respective rights; viewed singly or cumulatively, they did not significantly increase the cost of compliance with the federal mandate. The Court of appeal in *County of Los Angeles II*¹²⁴ concluded that, for purposes of ruling upon a claim for reimbursement, such incidental procedural requirements, producing at most de minimis added cost, should be viewed as part and parcel of the underlying federal mandate, and hence nonreimbursable under Government Code, section 17556, subdivision (c).

Also in *San Diego Unified, supra*, the California Supreme Court considered whether due process procedures involved in a *state-mandated* pre-expulsion hearing were fully reimbursable, or whether the procedures merely implemented federal due process requirements.¹²⁵ The court held that even though some of the requirements of the test claim statute, “the parties agree, codif[ied] requirements of federal due process,”¹²⁶ “a school district would not automatically incur the due process hearing costs that are mandated by federal law” in the absence of the test claim statute triggering the due process requirements.¹²⁷ The court therefore concluded that all hearing costs

¹²² See *Fuentes v. Shevin* (1972) 407 U.S. 67, p. 86 (“The Fourteenth Amendment draws no bright lines around three-day, 10-day, or 50-day deprivations of property”); *Goss v. Lopez* (1975) 419 U.S. 565, p. 576 (holding that a 10-day suspension from school is a cognizable deprivation of liberty and property). Note that due process standards apply equally to liberty and property deprivations. See *Wolff v. McDonnell* (1974) 418 U.S. 539, p. 558 and *Zinermon v. Burch* (1990) 494 U.S. 113, p. 131.

¹²³ *San Diego Unified School District v. Commission on State Mandates, supra*, (2004) 33 Cal.4th 859.

¹²⁴ *County of Los Angeles v. Commission on State Mandates* (Cal. Ct. App. 2d Dist. 1995) 32 Cal.App.4th 805.

¹²⁵ *San Diego Unified, supra*, 33 Cal.4th 859.

¹²⁶ *Id.*, at p. 868.

¹²⁷ *Id.*, at p. 880.

associated with the mandatory expulsion provisions of the test claim statutes were state-mandated, as follows:

Because it is state law, . . . and not federal due process law, that requires the District to take steps that in turn require it to incur hearing costs, it follows, contrary to the view of the Commission and the Department, that we cannot characterize any of the hearing costs incurred by the District, triggered by the mandatory provision of Education Code section 48915, as constituting a federal mandate (and hence being nonreimbursable).¹²⁸

The court concluded that: “state rules or procedures that are intended to implement an applicable federal law – and whose costs are, in context, de minimis – should be treated as part and parcel of the underlying federal mandate.”¹²⁹ *CSBA I*¹³⁰ “established that costs imposed on local governments by ballot measure mandates need not be reimbursed by the state,” and concluded that the “necessary to implement” test of section 17556(f) is “even more restrictive” than the “adopted to implement” language of *San Diego Unified, supra*.¹³¹

Therefore, the analysis that results from the two findings in *San Diego Unified, supra*, and the holding in *CSBA I, supra*, that section 17556(f) is applied similarly to, if more restrictively than, section 17556(c), is as follows: if costs incurred to satisfy due process protections are triggered by a state statute or executive order, reimbursement is required, whether or not the due process protections exceed federal due process requirements; but if costs incurred to satisfy due process protections are triggered by other than a state statute or executive order (such as a voter-enacted ballot measure), then reimbursement is required only if the state’s due process requirements truly exceed federal due process requirements and are not part and parcel of the federal requirements.

Activities 4, 5, 7, and 8, discussed below, were determined to be imposed by state law in the prior test claim decision.¹³² However, elements of these activities may also be required to satisfy the due process protections implicated by Welfare and Institutions Code sections 6601, 6604, 6605, and 6608, as those sections were adopted by the voters in Proposition 83. This is so because even due process protections expressly included in the test claim statutes intended to satisfy federal due process requirements were triggered, prior to Proposition 83, entirely by a state-mandated local program. Thus, requirements of the code sections not expressly included in Proposition 83 may nevertheless be “necessary to implement” the provisions of Proposition 83 to the extent that due process protections must be satisfied in order to validly enforce and administer the voter-approved SVP program consistently with the Constitution.

¹²⁸ *Id.*, at p. 881.

¹²⁹ *Id.*, at p. 890.

¹³⁰ *California School Boards Association v. State of California, supra*, (Cal. Ct. App. 3d Dist. 2009) 171 Cal.App.4th 1183.

¹³¹ *Id.*, at pp. 1210; 1214.

¹³² Exhibit B, Test Claim Statement of Decision, at p. 13.

- a. *Activity 4, preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing, is not necessary to implement Proposition 83, and is therefore reimbursable.*

Penal Code section 6602 establishes a probable cause hearing requiring the court to determine whether there is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior upon his or her release. The person named in the petition shall be entitled to assistance of counsel at the probable cause hearing.

As discussed above, the liberty interest at stake in implementing the SVP program triggers due process protections; but what process is due can vary depending on the importance of the governmental interest, and the severity of the deprivation. The Supreme Court of California has held that “[t]here is no question that civil commitment itself is constitutional so long as it is accompanied by the appropriate constitutional protections.”¹³³ In criminal cases, the appropriate constitutional protections have been explored and defined through decades of case law, but in the case of a civil commitment for the safety of the public and treatment of the committed person, due process requirements remain less defined. In *People v. Dean*,¹³⁴ the court of appeal articulated the appropriate constitutional protections, holding that due process in proceedings under the Sexually Violent Predators Act (SVPA) requires application of a balancing test, rather than strict adherence to the constitutional rights commonly afforded criminal defendants:

The measure of due process that is due in civil proceedings, including proceedings under the SVPA, is a complex determination that depends upon several factors: “(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; (3) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail; and (4) the dignitary interest in informing individuals of the nature, grounds, and consequences of the action and in enabling them to present their side of the story before a responsible government official.”¹³⁵

Activity 4, as cited above, requires the “[p]reparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing.” A probable cause hearing is required by Welfare and Institutions Code section 6602, one of two sections of the test claim statutes *not adopted by the voters in Proposition 83*. Proposition 83 makes *no other reference to a probable cause hearing*, such as would render such a hearing necessary to implement the program. In addition, no case law on point, nor any other reference to state or federal due process jurisprudence, provides a clear and unambiguous statement that a probable cause hearing is required to satisfy due process in this context.

¹³³ *People v. McKee* (2010) 47 Cal.4th 1172, at p. 1188 [internal citations and quotations omitted].

¹³⁴ *People v. Dean* (Cal. Ct. App. 4th Dist. 2009) 174 Cal.App.4th 186.

¹³⁵ 174 Cal.App.4th 186, at p. 204 [citing *People v. Otto* (2001) 26 Cal.4th 200].

Applying the balancing test above, the liberty interest at stake is significant, but the risk of an erroneous deprivation of that liberty is less so, given that each person held must be screened and evaluated at several levels before a petition is filed,¹³⁶ and the process is required to begin before an individual's prison term is expired; moreover, the deprivation of liberty absent a probable cause hearing would be of limited duration, because a trial would still follow after, pursuant to section 6604, as amended by Proposition 83 (2006); furthermore, the government's interest in holding persons suspected to be SVPs is compelling, and the administrative burdens involved in providing a due process hearing and counsel for that hearing are significant: counsel must be appointed, and the county's designated counsel must prepare for and attend the hearing. Finally, the "dignitary interest in informing individuals of the nature, grounds, and consequences of the action and in enabling them to present their side of the story before a responsible government official" will be fully vindicated at trial, and does not necessitate substantial consideration. This balancing test shows that whether a probable cause hearing is required by due process is a close issue.

A number of cases of the California courts of appeal and the Supreme Court address due process requirements of providing counsel and expert witnesses, furnished at the state's expense, to indigent persons alleged to be sexually violent predators.¹³⁷ Another slate of precedents address the due process requirements of analogous civil commitment programs, such as committing persons who are "mentally disordered" for treatment and confinement in a secured mental health facility.¹³⁸ But in none of those cases is there any direct statement that the probable cause

¹³⁶ Welfare and Institutions Code section 6601, as amended by Proposition 83 (2006) [Director of Corrections refers a person for evaluation who may be a sexually violent predator; person is "screened by the Department of Corrections and the Board of Prison Terms," the screening instrument to be "developed and updated by the State Department of Mental Health;" Department of Mental Health "shall evaluate the person in accordance with a standardized assessment protocol;" two practicing psychiatrists or psychologists must concur, or further evaluation must be ordered by independent professionals, who must also concur, or a petition cannot be filed; county's designated counsel only files the petition "[i]f the county's designated counsel concurs with the recommendation."].

¹³⁷ E.g., *People v. Otto* (2001) 26 Cal.4th 200, at p. 210 [outlining four part test of due process applicable to Sexually Violent Predators Act proceedings]; *People v. Fraser* (Cal. Ct. App. 6th Dist. 2006) 138 Cal.App.4th 1430, at pp. 1449-1451 [assuming, without deciding, that SVPs have a right to counsel pursuant to the four part test of *Otto*, *supra*, but holding that there is no right to self-representation]; *People v. Dean*, *supra*, 174 Cal.App.4th 186, at p. 204 [Based on balancing test concluding: "Here, even though an SVPA proceeding is a civil proceeding, due process requires the provision of a qualified expert for defendant."];

¹³⁸ E.g., *People v. McKee* (2010) 47 Cal.4th 1172, at pp. 1188-1192 [SVP determination "functional equivalent" of not guilty by reason of insanity commitment, for due process purposes]; *Vitek v. Jones* (1980 445 U.S. 480, at pp. 494-495 [United States Supreme Court found a right to counsel for mentally disordered offenders, furnished by the state.]

hearing provided for under section 6602 is necessary to satisfy due process.¹³⁹ Given the lack of precedent supporting a probable cause hearing as an essential feature of due process, and the fact that the activity is not part and parcel of either the federal mandate or the voter-enacted ballot measure or that the costs would most obviously not be “de minimis,” the Commission must conclude that provision of a probable cause hearing is not necessary to implement the civil commitment procedures outlined in Proposition 83.

Based on the foregoing, the Commission finds that Activity 4, preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing, is not necessary to implement Proposition 83, and remains reimbursable state-mandated cost.

In addition to seeking reimbursement for the express requirements of activity 4, the County Counsel of San Diego argues that “[t]he same rationale should apply to the costs the county’s designated counsel and indigent defense counsel incur for retention of necessary experts, investigators, and professionals for preparation and appearance at the probable cause hearing.” The County Counsel argues that probable cause hearings require thorough preparation, “which includes in many cases the retention of experts, investigators and/or other professionals, necessary to provide individuals with an adequate defense.” The County Counsel maintains that “[e]ven though these costs are not expressly identified as reimbursable costs in the original test claim decision, these costs have been and should continue to be reimbursed to claimants by the state.”

However, as the County Counsel acknowledges, retention of experts or investigators was not an approved activity in the original test claim decision or parameters and guidelines. Nor is the retention of experts an activity required by the plain language of the statutes. The retention of experts or investigators is an issue for the parameters and guidelines, and will require further evidence and legal argument at that stage to show that those costs are “reasonably necessary” under section 17557 to comply with the mandate related to probable cause hearings. If factual representations are made to support such a claim in written comments, they must be supported with documentary evidence included with the comments must and be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief. Government Code section 17570(i) requires the Commission to amend existing parameters and guidelines if a new test claim decision is adopted. Therefore the Commission declines to make findings at this stage regarding the retention of experts or investigators for probable cause hearings.

b. Activity 5, preparation and attendance by the county’s designated counsel and indigent defense counsel at trial, is necessary to implement Proposition 83.

Penal Code section 6603, as amended by Statutes 1995, chapter 762 and 763, provides:

A person subject to this article shall be entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and have access to all relevant medical and

¹³⁹ See *Cooley v. Superior Court* (2002) 29 Cal.4th 228, at p. 246 [discussing standards of proof for probable cause hearing under section 6602, but relying only on section 6602, and not federal or state due process jurisprudence].

psychological records and reports. In the case of a person who is indigent, the court shall appoint counsel to assist him or her, and, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

In the test claim statement of decision, the Commission attributed activity 5, the preparation and attendance by the county's designated counsel and indigent defense counsel at trial, and activity 7, the retention of necessary experts, investigators, and professionals for preparation for trial, to section 6603, as amended by Statutes 1995, chapters 762 and 763. However, there is precedent indicating that the provision of counsel and of an expert to assist a person alleged to be an SVP is required in order to satisfy due process.

The involuntary civil commitment of a person determined to be a sexually violent predator, as defined, is not meaningfully distinct from involuntary detention for medical treatment, insofar as the liberty interests thereby imperiled. The United States Supreme Court has held, in cases involving the involuntary detention for medical treatment, that due process requires the individual be given written notice; an opportunity to be heard before a neutral decision maker; the ability to review and challenge the evidence supporting the action; a written statement of reasons for the decision; the availability of legal counsel, furnished by the state if the individual is indigent; and timely notice of these rights.¹⁴⁰ This finding applies equally to commitments under the SVPA; the indeterminate civil commitments provided for by Proposition 83 implicate significant due process protections including the right to counsel, furnished by the state if a person is indigent.¹⁴¹ Therefore, the provision of indigent defense counsel is required to satisfy federal due process requirements, as those requirements are triggered by the voter-enacted Proposition 83.

Furthermore, Proposition 83 provides specifically that a "court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator,"¹⁴² and requires the county to designate counsel to "assume responsibility for proceedings under this article."¹⁴³ Thus the county's designated counsel is clearly expected to prepare for and attend the trial that is necessary to "determine whether, beyond a reasonable doubt, the person is a sexually violent predator." Although there is no apparent *due process* consideration met by requiring that the state's representative prepare for and attend the trial, that requirement is "necessary to implement" other express provisions of Proposition 83.

The County of Los Angeles argues that "Proposition 83 did not amend the trial provisions of the prior SVP Act." The County argues that the amendment made by Proposition 83 should be held

¹⁴⁰ *Vitek v. Jones* (1980) 445 U.S. 480, 494-495. See also, *People v. Hayes* (Cal. Ct. App. 1st Dist. 2006) 137 Cal.App.4th 34, at pp. 42-44 [describing probable cause hearing as "mandatory," but relying only on section 6602].

¹⁴¹ See *People v. Fraser* (Cal. Ct. App. 6th Dist. 2006) 138 Cal.App.4th 1430, at pp. 1449-1451 [assuming, without deciding, that SVPs have a right to counsel pursuant to the four part test of *Otto, supra*, but holding that there is no right to self-representation].

¹⁴² Section 6604, as amended by Proposition 83 (2006).

¹⁴³ Section 6601(i), as amended by Propostion 83 (2006).

in isolation: the change from two year terms to a possible indeterminate term of commitment if a person is adjudged an SVP: “[a] trial is not necessary to implement the indeterminate provisions of Proposition 83.”¹⁴⁴ This argument is without foundation. The courts have clearly established that commitment under the SVPA implicates due process concerns, due to the serious deprivation of liberty; a trial, conducted with all the trappings of due process, and all reasonable protections owed to the person alleged to be a sexually violent predator, is clearly required to satisfy due process. Moreover, section 6604, which requires that a “court or jury” determine beyond a reasonable doubt whether a person is a sexually violent predator, was amended by Proposition 83, and it is immaterial to the analysis under section 17556 how narrow that amendment may have been; the only consideration for purposes of activity 5 is whether a trial, and accordingly preparation and attendance of counsel, is expressly included in or necessary to implement Proposition 83.

Based on the foregoing, Activity 5, preparation and attendance by the county’s designated counsel and indigent defense counsel at trial, is necessary to implement Proposition 83, and is not reimbursable.

c. Activity 7, retention of necessary experts, investigators, and professionals for preparation for trial regarding the condition of the sexually violent predator, is necessary to implement Proposition 83.

In *People v. Dean*, *supra*, the court of appeal articulated the appropriate constitutional protections, holding:

*Here, even though an SVPA proceeding is a civil proceeding, due process requires the provision of a qualified expert for defendant. An SVP commitment directly affects a defendant's liberty interest. The provision of an expert allows a defendant the opportunity to present his side of the story before the trier of fact, which in turn reduces the risk of an erroneous deprivation of defendant's liberty. (Emphasis added.)*¹⁴⁵

The court thus held, pursuant to the balancing test borrowed from *People v. Otto*,¹⁴⁶ that an expert witness, furnished by the state, is required to satisfy due process in conducting proceedings under the SVP program.

As discussed above, the portion of Activity 7 that requires experts, investigators, and professionals for “subsequent hearings” is expressly included in section 6605, as amended by Proposition 83. The remaining portion of the approved Activity 7 under consideration here is only the provision of experts or investigators for trial, which is not expressly provided for in any of the provisions amended and reenacted by Proposition 83, but which has been clearly held by the courts to be necessary to satisfy due process.

The County of Los Angeles seizes upon this analysis to argue that due process requirements should remain reimbursable:

¹⁴⁴ Exhibit DD, County of Los Angeles Comments, at p. 3.

¹⁴⁵ *People v. Dean*, *supra* (Cal. Ct. App. 4th Dist. 2009) 174 Cal.App.4th 186.

¹⁴⁶ *People v. Otto* (2001) 26 Cal.4th 200, at p. 210.

CSM staff argues that providing constitutional right to SVPs is a necessary component to the implementation of Prop. 83 and is thus not reimbursable. Department of Finance also insists that this activity, which pertains exclusively to trials and subsequent hearings (Welf. & Inst. Code, § 6602), is no longer reimbursable because Prop. 83 amended a code section (Welf. & Inst. Code, § 6604) that changed commitment terms from renewable two year periods to indeterminate terms.

The need for the County to provide constitutional protections was the basis of the Commission's 1998 finding that State reimbursement was necessary and appropriate. As noted by the Commission, "case law is clear that where there is a right to representation by counsel, necessary ancillary services, such as experts and investigative services, are within the scope of that right." (Statement of Decision, at p. 11, Citing *Mason v. State of Arizona* (9th Cir. 1974) 504 F.2d 1345; *People v. Worthy* (1980) 109 Cal.App.3d 514). The Commission continued: "[L]ocal agencies would not be compelled to provide defense and ancillary services to indigent persons accused of being a sexually violent offender following completion of their prison term if the new program had not been created by the state." Therefore, this activity should be reimbursable.¹⁴⁷

However, what the County fails to acknowledge here is that the program triggering the due process requirements is now a *voter-enacted* program. With respect to Activity 7 specifically, due process requires provision of an expert for the SVP trial, according to *People v. Dean, supra*, and conduct of the trial itself is a duty expressly included in the provisions approved by the voters in Proposition 83. Specifically, section 6604 of the Welfare and Institutions Code was amended by the voters, and provides that a "court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator." Therefore, a trial is implicated, and the courts have held that that trial necessarily includes the provision of experts in order to satisfy due process.¹⁴⁸ All of this is now triggered by the voter-enacted program, which calls for a trial, and therefore Activity 7, as approved in the original test claim, is necessary to implement the ballot measure.

In addition, the County of Los Angeles argues that Activity 7 is "necessary for performing Activity 4," which the Commission found, as discussed above, remains reimbursable. However, the plain language of section 17556 holds that the Commission "shall not find" costs mandated by the state if the duties imposed by the test claim statute are necessary to implement or expressly included in a ballot measure. There is no reason to read into that language a limitation if the duties are also necessary to implement a statutory program, or, in other words, a Legislative mandate rather than a voter-enacted mandate. Even if, as the County suggests, Activity 7 is an essential component of both Activity 4 and the trial required by section 6604, as amended by Proposition 83, the fact of that activity's dual origin does not preserve reimbursement with respect to preparation for trial.

¹⁴⁷ Exhibit DD, County of Los Angeles Comment on Draft Staff Analysis, Second Hearing, at pp. 2-3.

¹⁴⁸ *People v. Dean, supra* (Cal. Ct. App. 4th Dist. 2009) 174 Cal.App.4th 186.

Based on the foregoing, the Commission finds that Activity 7, retention of necessary experts, investigators, and professionals for preparation for trial regarding the condition of the sexually violent predator, is necessary to implement Proposition 83, and is not reimbursable.

- d. *Activity 8, transportation and housing of each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator, is necessary to implement Proposition 83.*

The purpose and intent of Proposition 83 is to protect the public from dangerous felony offenders with mental disorders and to provide mental health treatment for their disorders.¹⁴⁹ The efficient operation of the program requires therefore that persons must be held in custody while awaiting trial to determine whether long-term (or permanent) commitment is appropriate. To release persons alleged to be dangerous and unable to control their violent sexual impulses would seriously blunt the effectiveness of the program. Accordingly, a more recent addition to the chapter (over which the Commission does not have jurisdiction) provides that if a judge of the superior court determines that the petition supports a finding of probable cause, the judge “shall order that person be detained in a secure facility until a hearing can be completed pursuant to section 6602” (the probable cause hearing). The same section also provides that the probable cause hearing “shall commence within 10 calendar days,” in respect of a person’s right to a speedy trial.¹⁵⁰ And, because persons so situated generally have a right to be present at trial and other hearings,¹⁵¹ they must be transported to and from the courthouse. Given the dual purpose of Proposition 83, to provide mental health treatment to SVPs, and to protect the public, there is ample reason to hold individuals awaiting trial, rather than releasing those individuals to parole.

However, as discussed above, holding a probable cause hearing for each alleged SVP is a requirement mandated by the Legislature, and not necessary to implement Proposition 83. Therefore, while holding an individual pending trial is considered necessary to implement Proposition 83, and transportation to and from the court for trial is necessary as well, transportation to and from the court for a *state-mandated probable cause hearing* is not necessary to implement the ballot measure approved by the voters, and must remain a reimbursable state-mandated cost.

Based on the foregoing, the Commission finds that Activity 8, the transportation and housing of each potential sexually violent predator at a secured facility *while the individual awaits trial* on the issue of whether he or she is a sexually violent predator, is necessary to implement Proposition 83, and is not reimbursable; but transportation to and from the courthouse *for a probable cause hearing* required by the statute remain reimbursable state-mandated costs.

¹⁴⁹ *People v. McKee* (2010) 47 Cal.4th 1172, at p. 1203.

¹⁵⁰ See Welfare and Institutions Code section 6601.5 (added, Stats. 1998, ch. 19 (SB 536); amended, Stats. 2000, ch. 41 (SB 451)).

¹⁵¹ Section 6605, as amended by Proposition 83 [“the committed person shall have the right to be present at the [subsequent] hearing”]; California Constitution, article 1, section 15 [“defendant in a criminal case has the right to...be personally present with counsel”]. As discussed above, the Sexually Violent Predators Act provides for civil commitments, not criminal conviction, but the due process protections are nearly as strong under the balancing test.

C. The Comments of Parties, Interested Parties, and Interested Persons have not Raised Adequate Grounds to Deny this Request.

As discussed at length in the statement of decision on the first hearing, the original test claimant, the County of Los Angeles, joined by numerous other counties, public defenders' offices, district attorneys' offices, and county counsels' offices, raised a number of arguments against approving this request for redetermination. Most of the legal arguments raised are not applicable to mandates law, and several commenters misapplied or misconstrued the plain language of section 17570. The comments on this request are addressed below, but none provide adequate grounds to deny Finance's request for redetermination.

1. Changes to the Test Claim Statutes Enacted Before or After Voter Approval of the Subject Ballot Measure are Not Relevant to the Determination Whether Proposition 83 is Modifies the State's Liability as Determined in CSM-4509

a. Statutory Changes Prior to the Ballot Measure (SB 1128)

As discussed in the statement of decision for the first hearing,¹⁵² several commenters argue that most of the amendments to the Welfare and Institutions Code outlined by Proposition 83 were earlier enacted by SB 1128 (Statutes 2006, chapter 337), which was enacted September 20, 2006. The commenters maintain that Proposition 83 therefore does not constitute a "subsequent change in the law" in accordance with section 17570:

S.B. 1128 contained many of the same or substantially similar amendments to the SVPA as did Proposition 83, for example, providing for indeterminate commitments and expansion of the list of qualifying offenses. Therefore, Proposition 83 does not constitute a "subsequent change in the law" as contemplated by Government Code section 17570.¹⁵³

The LA County District Attorney's Office's comments are representative, stating that "[i]n 2006, the legislature passed Senate Bill 1128 (SB 1128), urgency legislation that went into effect on September 20, 2006...[l]ess than two months later, the electorate passed Prop 83, commonly known as "Jessica's Law" ...[which] simply reaffirmed many of the changes already effectuated by SB 1128." And, the District Attorney of Orange County made similar comments, also representative of the recurring theme: "[t]he SVP reimbursement program should not have been affected by Prop 83 because the ballot measure made no *substantive changes* to the reimbursable component of the program."¹⁵⁴ In addition, CSAC continues to stress, in its comments on the draft staff analysis for the second hearing, that the mandated activities under the SVPA were unaffected by Proposition 83:

Of the fourteen sections and subsections that formed the basis of the Commission's 1998 Statement of Decision, Proposition 83 purported to amend only three, although even in these three cases the Legislature had already made

¹⁵² Exhibit U, First Hearing Statement of Decision, at p. 18, and following.

¹⁵³ Exhibit H, CPDA Comments, at p. 4. See also, Exhibit G, CSAC Comments, at pp. 2-3; Exhibit AA, CSAC Comments on Draft Staff Analysis, Second Hearing, at p. 2.

¹⁵⁴ Exhibit Y, Orange County District Attorney Comments, at p. 1 [emphasis added].

substantially the same changes in the months prior to the ballot measure's passage (SB 1128).¹⁵⁵

Accordingly, the Public Defender for the County of San Bernardino argues in comments submitted on the draft staff analysis for the second hearing that because "Proposition 83 mirrored many of the same provisions as cited in SB 1128 and effectuated changes that were procedural rather than substantive, its enactment did not constitute a subsequent change in law, as required under Government Code [section] 17570."¹⁵⁶

However, it is irrelevant to the analysis of Proposition 83 whether there were *substantive changes to the law in effect immediately prior to its enactment*, or whether Proposition 83 made any substantive changes at all to the SVP code sections. The analysis of whether a subsequent change in law has occurred turns on whether, under 17556(f), there are now any costs mandated by the state, where a ballot measure expressly includes some of the same activities as the test claim statutes that were found to impose a reimbursable mandate in CSM-4509. Or, to consider the issue in the alternative: do the test claim statutes, as pled (in the CSM-4509 test claim) impose duties that are necessary to implement or expressly included in a voter-enacted ballot measure? Here, with respect to the code sections reenacted in Proposition 83, it must be said that the test claim statutes, *as those statutes were pled in the earlier test claim decision*, impose duties that are expressly included in a voter-enacted ballot measure.¹⁵⁷ The text of the Welfare and Institutions Code immediately prior to the adoption of Proposition 83 is immaterial, as is the extent and degree of substantive amendments made by Proposition 83. The only issue is whether the activities imposed by the test claim statutes, as pled, are expressly included in or necessary to implement Proposition 83. Given that Proposition 83 amended and reenacted wholesale most of the code sections that gave rise to the mandated activities found in the CSM-4509 test claim (section 6601, requiring the county's designated counsel to file a petition for commitment if he or she agrees with the recommendation of the Department of Mental Health; section 6604, requiring a court or jury to determine whether a person is a sexually violent predator; section 6605, requiring annual reevaluation and possible subsequent hearing if recommended by the Department; and section 6608, providing for a subsequent hearing at the request of the person adjudged to be a sexually violent predator), it must be said that most of the activities approved in the test claim are expressly included in or necessary to implement the voter-enacted ballot measure.

b. Statutory Changes After Approval of the Ballot Measure (2012 Legislative Reenactment)

In a line of argument similar to that discussed above, CPDA asserts that the 2012 statutes superseded the ballot proposition, as follows:

The enactment of A.B. 1488, A.B. 1470, and S.B. 760 in 2012 pertaining to the SVPA result in a cost mandated by the state as defined by Government Code section 17514. The entire text of the sections amended by legislation in 2012,

¹⁵⁵ Exhibit AA, CSAC Comments on Draft Staff Analysis, Second Hearing, at p. 2.

¹⁵⁶ Exhibit Z, San Bernardino County Public Defender Comments, at p. 1.

¹⁵⁷ See Government Code section 17556(f).

including the portions not amended, was reenacted by the Legislature pursuant to Article IV, section 9, of the California Constitution. The remainder of the SVPA sections that were not expressly included in the 2012 legislation are, nevertheless, necessary to implement the 2012 legislation under Government Code section 17556, subdivision (f), and therefore are mandated by statute and thus reimbursable under California Constitution Article XIII B, section 6. Therefore, Proposition 83 is no longer the statutory authority supporting the SVPA; consequently the cost incurred by local agencies to comply with the 2012 legislatively enacted SVPA is a cost mandated by the state.¹⁵⁸

The CPDA comments demonstrate a misunderstanding of the operation of section 17556. There is no indication from the plain language, or from the broader statutory framework, that section 17556 is meant to operate in this alternative respect; where a ballot measure removes a mandate from the reimbursement requirement, a subsequent statute on the same program can only be subject to the reimbursement requirement if it imposes duties *beyond* those which are expressly included in or necessary to implement the ballot measure. An enactment of the voters may trigger the exclusionary provisions of section 17556(f), but subsequent amendment and reenactment by the *Legislature* does not defeat the application of section 17556(f) in the same manner. The analysis turns on only whether the test claim *statute* imposes duties expressly included in or necessary to implement the *ballot measure*. If so, those duties are not reimbursable, irrespective of any subsequent reenactment.

2. Equitable Defenses Raised are not Applicable to this Request for Redetermination

a. *Misrepresentation, Unclean Hands, Equitable Estoppel*

Several comments have raised equitable defenses against Finance's request, suggesting that because Finance's analysis of Proposition 83 leading up to the election on the measure gave no indication that mandate reimbursement would be in peril, Finance's request for a new decision on the SVP mandate should be rejected.

CPDA argues that "misrepresentation, unclean hands, and estoppel bar the DOF's redetermination request." CPDA cites "a letter dated September 2, 2005, addressed to the honorable Bill Lockyer, California Attorney General, issued pursuant to Elections Code section 9005, authored by Elizabeth G. Hill, Director of the Legislative Analyst's Office (LAO) and Tom Campbell, Director of the DOF," in which it is stated that Proposition 83 would have no effect on state reimbursement." CPDA argues that "[g]iven the DOF's stated position that the passage of Proposition 83 would not affect state reimbursement to counties, the DOF has "unclean hands" and should be estopped from currently asserting the Sexually Violent Predator mandate (CSM-4509) is no longer a cost mandated by the state." CPDA concludes that the voters were misled by the ballot pamphlet, prepared in reliance on the letter cited.¹⁵⁹

The LA County DA argues, for its part, that "the Legislative Analyst's Office (LAO), in association with the Department of Finance, sent California Attorney General Bill Lockyer a fiscal analysis of the initiative eventually known as Prop 83," in which the LAO stated that there

¹⁵⁸ Exhibit H, CPDA Comments, at p.2.

¹⁵⁹ Exhibit H, CPDA Comments, at pp. 3-4.

would be no impact on state reimbursement. The LA County DA argues that “[a]s the electorate is presumed to have relied upon the state's broadly publicized assurances regarding the state's assumption of the fiscal costs associated with Prop 83 were it to pass, the state is foreclosed from using Prop 83 as the basis of its invocation of Section 17570 and request for a new test claim decision.”¹⁶⁰

The defenses of unclean hands and misrepresentation are not neatly applied in this case. Unclean hands doctrine in this context assumes that the alleged “misrepresentation” induced the electorate to adopt Proposition 83, which is now alleged to impose harm upon the claimants, or to have conferred a benefit upon Finance. There is, obviously, no evidence as to what voters might have chosen had they been given different information with respect to mandate reimbursement in the voter information pamphlet. More importantly, there is no evidence that local government officials would have had any impact on the outcome, had they not “been lulled into a false sense of security.”¹⁶¹

CPDA’s argument also assumes that Finance, as the requesting party, should be barred from “relief.” But unclean hands, as an equitable doctrine, should not be applied where another injustice would result; moreover, “[i]t is well settled that public policy may favor the nonapplication of the doctrine as well as its application.”¹⁶² Here, the denial of Finance’s request on the basis of unclean hands could result in the imposition of a subvention requirement, even if no state-mandated program exists. Article XIII B, section 6 requires reimbursement for state-mandated new programs or higher levels of service that impose *costs mandated by the state*, as defined. To deny “relief” to DOF on the basis of an unclean hands defense would be to ignore article XIII B, section 6 of the California Constitution and the implementing statutes of the Government Code.

Additionally, what all of the above comments fail to acknowledge is that in 2006 the conclusion that Proposition 83 would have no fiscal effect on local government was correct, and was not a misrepresentation of the facts as they existed at that time. When Proposition 83 was enacted, there was no process for redetermining a test claim; thus there would have been no effect on mandate reimbursement. Only after the mandate redetermination process embodied in section 17570 was *added to the code in 2010* was there any possibility of utilizing Proposition 83 to change a prior mandate finding.¹⁶³ Therefore, any representation that might be alleged to have misled the voters was provided in good faith, and cannot now support a defense of ‘unclean hands.’

In comments filed in response to the draft staff analysis in the first hearing, CPDA strenuously disputes this point, arguing that the draft “erroneously rejects the equitable defense of unclean hands,” and that the draft “incorrectly states” that when Proposition 83 was adopted, no

¹⁶⁰ Exhibit L, LA County DA Comments, at pp. 8-10. See also, Exhibit F, CDAA Comments, at p. 4

¹⁶¹ Exhibit H, CPDA Comments, at pp. 3-4.

¹⁶² *Health Maintenance Network v. Blue Cross of Southern California* (Cal. Ct. App. 2d Dist. 1988) 202 Cal.App.3d 1043, at p. 1061.

¹⁶³ Statutes 2010, chapter 719 (SB 856).

mechanism or process for redetermination existed.” CPDA argues that “[d]uring the relevant periods surrounding the passage of Proposition 83 (2005 through 2006), [former] Government Code sections 17570 and 17556, subdivision (f), *expressly provided* for the redetermination of test claims.”¹⁶⁴ CPDA cites to former Government Code section 17570, as that section appeared in 1986, which provided:

On November 30 of each year the Legislative Analyst shall submit a report to the Legislature regarding each unfunded statutory or regulatory mandate for which claims have been approved by the Legislature pursuant to a claims bill during the preceding fiscal year. The *Legislative Analyst shall review* each such statute or regulation in light of its estimated future costs recoverable through the claims process *and recommend, in each case, whether the Legislature should reconsider its original enactment of that statute or the state agency should reconsider its adoption of the regulation to repeal, modify, or make permissive its provisions.* The Legislative Analyst shall submit the report to the Joint Legislative Budget Committee, the chairs of the fiscal committees, and the chairs of the policy committees in each house which have jurisdiction over the subject matter of these statutes or regulations.¹⁶⁵

CPDA’s argument presumes that former section 17570 might be read to provide for a process of reconsideration or redetermination of a prior test claim decision; but nothing in the language of former section 17570 provides authority for the Commission to reconsider a test claim. Former section 17570 only required the Legislative Analyst’s Office to *provide recommendations* to the Legislature regarding possible amendments to the underlying test claim statutes or regulations. It did not provide authority for the Commission to reconsider a prior final test claim decision based on a subsequent change in the law.

Additionally, CPDA argues that the “regardless of...before or after” language of section 17556, as amended by AB 138 in 2005, evidences inherent authority for the Commission to reconsider a test claim. CPDA argues that “[p]ursuant to Legislative directive [*sic*] contained in A.B. 138 the CSM redetermined and set aside the ‘Open Meetings Act’ and ‘Brown Reform Act’ test claims in September, 2005.”¹⁶⁶ CPDA also cites the reconsideration of “School Accountability Report Cards” in 2005,¹⁶⁷ and concludes:

When Proposition 83 took effect on November 8, 2006, the CSM had completed reconsideration of the foregoing three test claim redeterminations. The assertion that there was “no process or mechanism by which to redetermine a test claim” during the time period of 2005 through 2006 is disingenuous. Although the court

¹⁶⁴ Exhibit S, CPDA Comments on Draft Staff Analysis, at p. 2 [emphasis added].

¹⁶⁵ Statutes 1986, chapter 879, section 13 [emphasis added].

¹⁶⁶ Exhibit S, CPDA Comments on Draft Staff Analysis, at p. 2. See also, Statutes 2005, chapter 72 (AB 138) section 17 [directing the Commission to set aside and reconsider Open Meeting Act (CSM-4257) , and Brown Act Reform (CSM-4469)].

¹⁶⁷ See Statutes 2004, chapter 895 (AB 2855) section 18 [directing the Commission to reconsider School Accountability Report Cards (97-TC-21)].

in California School Boards reversed these redeterminations, the ruling was not handed down until March 9, 2009, nearly three years after the passage of Proposition 83. Therefore, the Draft Staff Analysis erroneously and inaccurately portrayed the state of the law vis-a-vis redetermination of test claims during the relevant period of 2005 through 2006 surrounding the passage of Proposition 83.¹⁶⁸

CPDA implies that the fact of these other test claims being reconsidered shows that a process or mechanism existed when Proposition 83 was adopted and, thus, statements that Proposition 83 would have no fiscal effect on local government was either in error or constituted an intentional misrepresentation.

CPDA's conclusion falters, however, because in the case of each of the mandates that CPDA cites, the Legislature *directed the Commission* (i.e., expressly required the Commission) to reconsider those specific test claims by statute.¹⁶⁹ AB 138 amended section 17556 to include the "before or after" language regarding a test claim statute implementing a ballot measure mandate, as discussed above, and also directed the Commission to reconsider three mandates decisions, in light of the amended Government Code provisions.¹⁷⁰ Absent such action by the Legislature, the Commission did not have authority to reconsider a prior decision. However, as CPDA points out, the court of appeal eventually rejected the actions of the Commission, on the ground that the Legislature's directive to the Commission to reconsider these prior claims was not consistent with separation of powers principles.¹⁷¹

As discussed at length above, section 17556 is not self executing; it requires some process or mechanism by which the test claim can come before the Commission. In the case of a ballot measure adopted after the test claim decision addressing a particular program, the proper mechanism is the mandate redetermination process provided in section 17570. It is well-settled that administrative agencies, such as the Commission, are entities of limited jurisdiction. Administrative agencies have only the powers that have been conferred on them, expressly or by implication, by statute or constitution. An administrative agency may not substitute its judgment for that of the Legislature. When an administrative agency acts in excess of the powers conferred upon it by statute or constitution, its action is void.¹⁷² The Government Code gives the Commission jurisdiction only over those statutes or executive orders pled by an eligible claimant in a test claim and grants the Commission a single opportunity to make a final decision on the test claim. Government Code section 17559 grants the Commission statutory authority to reconsider prior final decisions, if a request to reconsider is made within 30 days after the

¹⁶⁸ Exhibit S, CPDA Comments on Draft Staff Analysis, at p. 3.

¹⁶⁹ See Statutes 2005, chapter 72 (AB 138) section 17; Statutes 2004, chapter 895 (AB 2855) section 18.

¹⁷⁰ Statutes 2005, chapter 72 (AB 138) section 17 [directing the Commission to reconsider Mandate Reimbursement Process (CSM-4202)].

¹⁷¹ *California School Boards Association v. State of California* (Cal. Ct. App. 3d Dist. 2009) 171 Cal.App.4th 1183.

¹⁷² *Ferdig v. State Personnel Board* (1969) 71 Cal.2d 96, 103-104.

Statement of Decision is issued based on an error of law, but no other section, until the addition of section 17570 in 2010, provided standing authority and a process to redetermine a prior final Commission decision.

The Alameda County District Attorney's Office argues that "[t]he Department of Finance request for a new test claim, filed some six and one-half years after the passage of Proposition 83, is untimely and should be rejected on common law principles of laches and estoppel."¹⁷³ The doctrine of estoppel is misplaced in this case. The essence of an estoppel, "if it is applicable at all in these circumstances, is that the party to be estopped has by false language or conduct led another to do that which he would not otherwise have done and as a result thereof that he has suffered injury."¹⁷⁴ Estoppel is applied "where the conduct of one side has induced the other to take such a position that it would be injured if the first should be permitted to repudiate its acts."¹⁷⁵ Estoppel generally binds "not only the immediate parties but also those in privity with them;" and as applicable here, agents of the same government are held to be in privity with one another.¹⁷⁶ And, estoppel is available against the government, but "estoppel will not be applied against the government if the result would be to nullify a strong rule of policy adopted for the benefit of the public or to contravene directly any statutory or constitutional limitations."¹⁷⁷

As discussed above, whatever representations were made regarding the effect on mandate reimbursement prior to the adoption of Proposition 83, and however local governments might have detrimentally relied on those representations, they were *true when made*, and only later did the circumstances allow for mandate reimbursement to be modified. Moreover, to apply estoppel against DOF in this case would "contravene directly" the statutory and constitutional limitations on reimbursement, and would effectively "nullify" the mandate redetermination process created in the Government Code.¹⁷⁸ Furthermore, the premise that counties have detrimentally relied upon reimbursement is tenuous at best. Even if this redetermination results in discontinuance of mandate reimbursement, the activities required under the test claim statutes will continue to be required. There cannot be detrimental reliance unless a party alters its behavior; here, the existence of the required activities, and the counties' acquiescence, does not turn on whether those activities are reimbursed.

¹⁷³ Exhibit P, Alameda County DA Comments, at p. 5.

¹⁷⁴ *In re Lisa R.* (1975) 13 Cal.3d 636, at p. 645.

¹⁷⁵ *Nicolopoulos v. Superior Court* (Cal. Ct. App. 2d Dist. 2003) 106 Cal.App.4th 304, at p. 311 [citing *Brookview Condominium Owners' Ass'n v. Heltzer Enterprises-Brookview* (Cal. Ct. App. 4th Dist. 1990) 218 Cal.App.3d 502, at p. 512].

¹⁷⁶ *Hartway v. State Board of Control*, (Cal. Ct. App. 1st Dist. 1976) 69 Cal.App.3d 502. See also *Carmel Valley Fire Protection Dist. v. State of California* (Cal. Ct. App. 2d Dist. 1987) 190 Cal.App.3d 521, at p. 535 [citing *Lerner v. Los Angeles City Board of Education* (1963) 59 Cal.2d 382, at p. 398].

¹⁷⁷ *Transamerica Occidental Life Insurance Co. v. State Board of Equalization* (Cal. Ct. App. 2d Dist. 1991) 232 Cal.App.3d 1048, at p. 1054 [internal citations omitted].

¹⁷⁸ *Ibid.*

Accordingly, the arguments alleging misrepresentation, unclean hands, and equitable estoppel do not apply in this case.

b. Laches, or Unreasonable Delay of Cause of Action

The Alameda County District Attorney's Office and LA County also argue that DOF was not required to delay this request for reconsideration "nearly six and a half years after the passage of Proposition 83." During this time, counties relied on mandate reimbursement from the state to perform the required duties. As a result, the counties argue that the DOF's request is untimely and that under the equitable doctrine of laches, the claim should be denied.

As raised by the Alameda County DA, the defense of laches is based on an assertion that the plaintiff unreasonably delayed bringing an action, and that the defendant has been prejudiced by the delay, such that granting relief would be inequitable. The Alameda County DA asserts that a delay of more than six years after the passage of Proposition 83 is unreasonable. But as discussed above, the mandate redetermination process was only added to the Government Code in 2010.¹⁷⁹ Prior to that, even if Proposition 83 were *known* to have undermined the 1998 mandate finding regarding the SVP program, there was no mechanism in place to bring the issue before the Commission. Therefore, any delay that might be attributed to DOF cannot be said to begin until such mechanism was provided, in Government Code section 17570, as added by Statutes 2010, chapter 719 (SB 856).

In comments filed in response to the draft staff analysis, LA County disputes this conclusion. LA County argues that a mechanism or process was put in place by Statutes 2008, chapter 751, section 75 (AB 1389), which directed the Commission to reconsider the Sexually Violent Predators test claim (CSM-4509). However, the 2008 statute that County of LA cites clearly and unambiguously directed the Commission to wait until the *CSBA* decision was finalized:

Notwithstanding any other provision of law, the Commission on State Mandates, upon final resolution of any pending litigation challenging the constitutionality of subdivision (f) of Section 17556 of the Government Code, shall reconsider its test claim statement of decision in CSM-4509 on the Sexually Violent Predator Program to determine whether Chapters 762 and 763 of the Statutes of 1995 and Chapter 4 of the Statutes of 1996 constitute a reimbursable mandate under Section 6 of Article XIII B of the California Constitution in light of ballot measures approved by the state's voters, federal and state statutes enacted, and federal and state court decisions rendered since these statutes were enacted.¹⁸⁰

This statute was enacted as an urgency statute on September 30, 2008. The *CSBA* decision was handed down March 9, 2009, and addressed both the constitutionality of section 17556(f), and the statutes that directed the Commission to reconsider the prior test claim decisions in *Open Meetings Act*, *Brown Act Reform* and *School Accountability Report Cards*. Because the statute cited above directed the Commission to reconsider the SVP mandate only after final resolution of the *CSBA* matter, which ultimately declared that the Legislature's attempt to force a reconsideration of a final decision of the Commission, on a case by case basis, violates

¹⁷⁹ Government Code section 17570 (Stats. 2010, ch. 719 (SB 856)).

¹⁸⁰ Statutes 2008, chapter 751 (AB 1389) section 75 [emphasis added].

separation of powers principles,¹⁸¹ no “mechanism and process”¹⁸² to reconsider this particular test claim existed at any time prior to the enactment of section 17570 in Statutes 2010, chapter 719 (SB 856).¹⁸³

LA County also points out that the *current* statute providing a process for redetermination was enacted, in response to CSBA, in Statutes 2010, chapter 719 (SB 856). The County *implies*, but does not clearly state, that failing to take advantage of that process until January of 2013 constitutes an unreasonable delay.¹⁸⁴ A new *test claim* must be filed by June 30 of the fiscal year following the year in which the test claim statute at issue became effective, or the year in which the claimant first incurred costs under the statute. But section 17570 only requires that a redetermination request be filed “on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year.”¹⁸⁵ It does not contain a statute of limitations.

Moreover, laches requires, in addition to an unreasonable delay in bringing an action, either acquiescence or prejudice to the other party resulting from the delay. Here, it is difficult to identify any prejudice that results from DOF’s delay. As discussed, DOF would have had no right or ability to bring this matter before 2010. And from the effective date of section 17570 to the time of filing this request, in the intervening two years and three months, the claimants have continued to receive reimbursement. The statute provides that if DOF prevails, reimbursement will be ended beginning in the 2011-2012 fiscal year, based on the filing date of this redetermination request.¹⁸⁶ Had DOF filed this request two years earlier, the potential reimbursement period affected would have begun in the 2009-2010 fiscal year. Therefore, eligible claimants for the CSM-4509 mandate have not been harmed by DOF’s delay in filing this request for redetermination, and may have, in fact, benefited from it.

c. Equitable defenses are not applicable to mandates law

Ultimately, the proffered equitable arguments of misrepresentation, unclean hands, equitable estoppel, laches, and unreasonable delay, are inapplicable to this case. The Commission is vested, pursuant to the Government Code, with sole and exclusive jurisdiction to determine mandates claims. Whether a statute requires reimbursement is a question of law, to be decided by the Commission, or the courts on review, and “legislative disclaimers, findings, and budget control language are not determinative.”¹⁸⁷ Thus the question of reimbursement must be

¹⁸¹ *CSBA v. State of California* (2009), 171 Cal.App.4th 1183, p.p. 1202-1203.

¹⁸² Exhibit T, County of LA Comments on Draft Staff Analysis, at p. 2.

¹⁸³ Government Code section 17570 (Stats. 2010, ch. 719 (SB 856)).

¹⁸⁴ Exhibit T, County of LA Comments on Draft Staff Analysis, at p. 2.

¹⁸⁵ Government Code section 17570(f) (Stats. 2010, ch. 719 (SB 856)).

¹⁸⁶ Section 17570(f) (Stats. 2010, ch. 719 (SB 856)) [“A request for adoption of a new test claim decision shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year.”]

¹⁸⁷ *County of Los Angeles v. Commission on State Mandates*, (Cal. Ct. App. 2d Dist. 2003) 110 Cal.App.4th 1176, 1186; 1194. See also, Government Code section 17552, which states that

evaluated by the Commission, exclusively, pursuant to article XIII B, section 6 of the California Constitution, on the basis of the statutes and case law that guide Commission decisions generally, and legislative declarations are irrelevant to the Commission's determination of whether a state mandate exists.¹⁸⁸ The Commission, as a quasi-judicial body, has the sole and exclusive authority to adjudicate whether a state-mandate exists.¹⁸⁹

As has been said by the courts of appeal, “[i]n making its decisions, the Commission cannot apply article XIII B as an equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”¹⁹⁰ The purpose of the mandates process is to enforce the Constitution, by way of its implementing statutes, including Government Code section 17556. If a local government is not entitled to reimbursement pursuant to the operation of the statutes and the Constitution, public policy cannot support application of equitable defenses or remedies.

3. Retroactivity of Proposition 83

In *People v. Litmon*,¹⁹¹ the court reversed an order imposing an indeterminate term of commitment *retroactive to the date appellant was first committed* as an SVP under the pre-Proposition 83 SVPA. Addressing the retroactivity issue, the court held that “Proposition 83's declaration of intent does not explicitly make indeterminate terms retroactive and is equally consistent with the intent to impose indeterminate terms of commitment in future commitment proceedings.”¹⁹² The court concluded that “the most reasonable interpretation ... is that an indeterminate term of commitment may be ordered only following a trial in which a person is determined to be an SVP and that term commences on the date upon which the court issues its order pursuant to this current version of section 6604.”¹⁹³

LA County argues in its comments on the draft staff analysis for the second hearing that Proposition 83's amendments to the SVP program should be applied prospectively only, as follows:

Under the SVP law, individuals were subject to a 2-year commitment. When SB1128 and Prop. 83 passed, the recommitment provisions of Welf. & and [*sic*] Inst. Code § 6604 were deleted. Currently, under Prop. 83, there is no provision to recommit someone after the 2-year term. Thus recommitments are not

“This chapter shall provide the sole and exclusive procedure by which a local agency or school district may claim reimbursement for costs mandated by the state as required by Section 6 of Article XIII B of the California Constitution.”

¹⁸⁸ *CSBA v. State of California* (2009), 171 Cal.App.4th 1183, p. 1203; see also, *County of Los Angeles v. Commission on State Mandates*, *supra.*, p. 1194.

¹⁸⁹ *Id.*

¹⁹⁰ *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802.

¹⁹¹ (Cal. Ct. App. 6th Dist. 2008) 162 Cal.App.4th 383.

¹⁹² *Id.*, at p. 410.

¹⁹³ *Id.*, at p. 412.

mandated by Prop. 83. Recommitments would thus be mandated under the SVP Law. SVP should not be applied to the pre Prop. 83 offenders until they leave the program.

Retroactive application of Prop. 83 (a violation of Ex Post facto Law) [*sic*] to pre Prop. 83 SVP's would be unconstitutional. In adopting new Parameters and Guidelines for Chapter 641, Statutes of 1995, CSM stated:

Chapter 641/95, eliminated diversion as a domestic violence sentencing for those arrested on or after January 1, 1996, under prior law, (Chapter 221/93, and Chapter 1158/80) was not terminated by chapter 641/95 and continues until the period of diversion has been completed. Such completion and resultant closeout costs, for the period January 1, 1996 through June 30, may be claimed as provided. CSM-4447A. Page 1

To eliminate the right of the pre Prop. 83 SVP's from the pre Prop. 83 (2006) applicable laws would be *nullifying the sentencing judges' orders*. Our interpretation of statutes declares all laws are to commence in the future and operate prospectively. Therefore, reimbursement should continue on all pre Prop. 83 SVP's in accordance with the SVP Law until jurisdiction is terminated.¹⁹⁴

LA County raises several distinct issues in these few sentences: first, the concept of “Ex Post Facto Law” is raised, but ex post facto is not a singular law to be violated; it is a proscription found in Article I, section 10 of the United States Constitution against the states passing laws that have an effect of retroactively altering the consequences of a criminal act or omission.¹⁹⁵ The United States Supreme Court has held that the prohibition against the enactment of ex post facto laws applies only in the realm of *crimes* and *criminal sanctions*.¹⁹⁶ In the case of SVP commitment, the California Supreme Court has held that “the commitment authorized by the Act is not excessive and is designed to last only as long as that person meets the definition of an SVP,” and that therefore the SVPA is “essentially nonpunitive.”¹⁹⁷ Therefore, because the SVPA is a civil commitment, not a criminal punishment, and is held not to be punitive, the proscription of ex post facto laws in Article I, section 10 is not applicable.

With respect to retroactivity generally, the courts have held that an indeterminate commitment may not be made retroactive to an individual’s *initial* commitment, but that any pending or new petitions for commitment or recommitment may be treated as petitions for indeterminate commitment.

¹⁹⁴ Exhibit DD, County of LA Comments, at p. 4 [emphasis in original].

¹⁹⁵ Article I, section 9 prohibits Congress from doing the same.

¹⁹⁶ *Calder v. Bull* (1798) 3 U.S. 386 [Ex post facto laws, prohibited by the Constitution, are “only those that create, or aggravate, the crime; or encrease [*sic*] the punishment, or change the rules of evidence, for the purpose of conviction.” Emphasis added.]

¹⁹⁷ *People v. McKee* (2010) 47 Cal.4th at pp. 1193; 1195 [internal citation omitted].

In *People v. Litmon*,¹⁹⁸ the individual at the center of the case had been committed as an SVP on May 2, 2000, and recommitted effective May 2, 2002, but when the trial court ordered an additional recommitment on March 15, 2007, it determined that the recommitment under Proposition 83 should be retroactive to the initial date of commitment. The appellate court concluded that amended sections 6604 and 6604.1 “did not authorize an order imposing an indeterminate term of commitment retroactive to the date upon which appellant was first committed as an SVP under predecessor law.”¹⁹⁹

However, in *Borquez v. Superior Court*²⁰⁰ the appellate court found “application of a law is retroactive only if it attaches new legal consequences to, or increases a party’s liability for, an event, transaction, or conduct that was completed before the law’s effective date.” The court continued: “Thus, the critical question for determining retroactivity usually is whether the last act or event necessary to trigger application of the statute occurred before or after the statute’s effective date.” For purposes of determining whether a person is an SVP, “the last event necessary is the person’s mental state *at the time of the commitment*.” (Emphasis added.) Therefore, “[b]ecause a proceeding to extend commitment under the SVPA focuses on the person’s current mental state, applying the indeterminate term of commitment of Proposition 83 does not attach new legal consequences to conduct that was completed before the effective date of the law.”²⁰¹

Then, in *People v. Taylor*²⁰² the court of appeal held that because a petition to extend commitment “requires a new determination of the individual’s status as a SVP, [section 6604, as amended by Proposition 83] it may be applied prospectively to all pending and future commitment proceedings.” At the same time, the court concluded that an automatic retroactive conversion of the defendants commitments from renewable two year terms to indeterminate commitment terms without a hearing “was erroneous, and that the proper procedure is to impose the indeterminate term in conjunction with the initiation of proceedings to extent a SVP commitment.”²⁰³

Based on the foregoing case law, the Commission finds that the indeterminate commitment provisions of section 6604, as amended by Proposition 83, may be applied to all pending and future commitment or recommitment petitions without violating the prohibition against ex post facto laws in the United States Constitution, or the due process rights of individuals determined to be SVPs, and without violating principles of retroactivity generally.

Finally, there is no evidence that “sentencing orders” are affected by the application of Proposition 83 in any way. The result of a commitment petition under SVPA is not a “sentence,” in the criminal sense, and the “order” that an individual be committed, at least prior to

¹⁹⁸ *People v. Litmon* (Cal. Ct. App. 6th Dist. 2008) 162 Cal.App.4th 383.

¹⁹⁹ *Id.*, at p. 412.

²⁰⁰ *Borquez v. Superior Court* (Cal. Ct. App. 3d Dist. 2007) 156 Cal.App.4th 1275.

²⁰¹ *Id.*, at pp. 1288-1289.

²⁰² *People v. Taylor* (Cal. Ct. App. 4th Dist. 2009) 174 Cal.App.4th 920.

²⁰³ *Id.*, at pp. 932-933.

Proposition 83, was designed to expire in two years. The courts have held that each recommitment petition is a new cause of action, and requires the People to meet their burden of proving a person is an SVP, independent of any prior findings.²⁰⁴ Accordingly, any new petition for a commitment order under Proposition 83 must be considered in isolation from any earlier commitment order issued under prior law, and the courts have held that pending or new petitions for commitment may be treated as petitions for indeterminate commitment.²⁰⁵

However, at the September 27, 2013 hearing, the county raised an issue regarding a stipulation entered into by the District Attorney, the Public Defender, and the Presiding Judge of the Superior Court for the County of Los Angeles, which had been held enforceable by the California Supreme Court in *People v. Castillo* (2010) 49 Cal.4th 145. The County alleged that because the stipulation, and the order of the court upholding the stipulation, required the County to apply the provisions of the pre-Proposition 83 SVPA to all individuals subject to SVP petitions prior to the date the amendments were enacted, the activities performed in accordance with the test claim statutes should remain reimbursable. Based on the following analysis, the Commission finds that (1) the California Supreme Court's finding does not bind the Commission to deny the request for redetermination, or to limit the applicability of its findings; and (2) this decision is effective on July 1, 2011, pursuant to Government Code section 17570 and, thus reimbursement for six of the eight activities are no longer reimbursable effective July 1, 2011.

SB 1128 (Stats. 2006, ch. 337), was enacted as an urgency statute on September 20, 2006, several weeks prior to the November 7, 2006 general election in which Proposition 83 would be adopted, and made most, if not all, of the same substantive changes.²⁰⁶ SB 1128 and Proposition 83 both enacted reforms to the SVPA to bring the state's program in line with other states, including changing two year commitments to indeterminate commitments, thus eliminating the need for re-commitment procedures. But neither addressed how the new law applied to persons who were currently being held on a two year commitment, and would have to be re-committed, or persons subject to *pending* petitions for initial two year commitments or re-commitments.²⁰⁷ Due to the absence of any language regarding retroactive application of the law to pending petitions, or any reference to recommitment under the new indeterminate-commitment regime, the Attorney General of California issued a memorandum to district attorneys' offices, stating that "[i]n our opinion, the indeterminate term language applies to any *verdict or court finding rendered after September 20, 2006.*" This memorandum was dated September 26, 2006.²⁰⁸

On October 11, 2006 the District Attorney, the Public Defender, and the Presiding Judge of the Superior Court for the County of Los Angeles entered into a stipulation, which stated that "[d]ue

²⁰⁴ See. *Borquez, supra*, at pp. 1288-1289; *Taylor, supra*, at p. 932.

²⁰⁵ *Ibid.*

²⁰⁶ See, e.g., Exhibit G, CSAC Comments on Request for Redetermination; Exhibit H, CPDA Comments on Request for Redetermination; Exhibit K, Sacramento County DA Comments on Request for Redetermination.

²⁰⁷ Exhibit X, *People v. Castillo* (2010) 49 Cal.4th 145, at pp. 148-150.

²⁰⁸ *Id.*, at p. 153, Fn 7 [emphasis added].

to uncertainty in the retroactive application of this change, it is the intention of the Los Angeles County District Attorney's Office to apply the current two year commitment period to all currently pending initial commitment petitions..." The stipulation stated that the District Attorney's Office "will apply the two year commitment period to pending initial petitions for 24 months [after the effective date of SB 1128]," and that "[c]ases which are pending for initial commitment or are evaluated for recommitment prior to the effective date of the legislation and/or initiative will be evaluated based upon criteria *currently present* in the SVP statutes."²⁰⁹

The California Supreme Court considered this stipulation in *People v. Castillo*.²¹⁰ Castillo had been determined to be an SVP, and ordered committed on August 10, 2007 "for three consecutive two-year periods – one for each of the three consolidated [petitions]" that had been pending at the time SB 1128 and Proposition 83 were enacted.²¹¹ Castillo appealed the commitment order, and on appeal the People were represented by the Attorney General, who "sought to contravene the contentions raised in Castillo's brief," but also "argued that the court's order, committing Castillo to a series of two year terms ending October 2007 (consistently with the stipulation signed by the parties and the superior court), *was invalid because it was in derogation of the indeterminate commitment term specified by [SB 1128] and Proposition 83.*"²¹² The court of appeal sided with the Attorney General and modified the commitment order to reflect an indeterminate commitment.²¹³ The California Supreme Court thereafter granted review, at the urging of the Public Defender and the District Attorney of the County of Los Angeles, both of whom filed amicus curiae briefs supporting Castillo's position that the stipulation should be enforced.²¹⁴

The court found that "[a]s alluded to in the stipulation itself...and, indeed, continuing until at least early 2008 – there existed substantial legal uncertainty concerning the status of, and procedures to be employed in, proceedings (such as the one here at issue) to extend the commitment of a person already adjudged to be an SVP."²¹⁵ Citing *People v. Shields*,²¹⁶ *Borquez v. Superior Court*,²¹⁷ *People v. Carroll*,²¹⁸ *People v. Whaley*,²¹⁹ and *People v. Taylor*,²²⁰ the court explained:

²⁰⁹ *Id.*, at pp. 150-152 [emphasis added].

²¹⁰ Exhibit X, *People v. Castillo* (2010) 49 Cal.4th 145.

²¹¹ *Id.*, at p. 153.

²¹² *Id.*, at pp. 153-154 [emphasis added].

²¹³ *Id.*, at p. 154.

²¹⁴ *Ibid.*

²¹⁵ *Id.*, at p. 159

²¹⁶ (2007) 155 Cal.App.4th 559.

²¹⁷ (2007) 156 Cal.App.4th 1275.

²¹⁸ (2007) 158 Cal.App.4th 503.

²¹⁹ (2008) 160 Cal.App.4th 779.

Eventually, of course, appellate decisions, construing over the course of the years the 2006 amendments, have resolved these problems and uncertainties. But at the time the stipulation was negotiated and signed in 2006...no one could predict with any degree of certainty how the amendments would be construed as applied to persons in Castillo's circumstances. It was simply uncertain, and unknowable, how courts eventually would resolve these and related questions.²²¹

And, "in addition to the legal uncertainties created by the 2006 amendments to the SVPA, at the same time there existed a reasonable possibility that Castillo and others who were being represented by the Public Defender, and who were subject to pending SVP trials, might succeed in having their petitions dismissed – hence releasing these individuals from the strictures of the SVPA – based upon the state's failure to bring the matters to trial in a reasonably timely fashion."²²² "Furthermore," the court stated, "unlike the more typical cases involving stipulations, in this case the trial court did not merely accept and enforce a stipulation agreed to by the parties; the court actually signed the stipulation as a participant in the agreement." Therefore, the California Supreme Court in *People v. Castillo* concluded that the stipulation entered into by the District Attorney of the County of Los Angeles, the Public Defender for the County of Los Angeles, and the Presiding Judge of the Superior Court for the County of Los Angeles should be enforceable by its terms. The Supreme Court therefore reinstated the two-year commitment order of the trial court.

As discussed above, in *Borquez v. Superior Court*²²³ the appellate court found that "the critical question for determining retroactivity usually is whether the last act or event necessary to trigger application of the statute occurred before or after the statute's effective date." For purposes of determining whether a person is an SVP, "the last event necessary is the person's mental state *at the time of the commitment*."²²⁴ The California Supreme Court in *Castillo, supra*, cited *Borquez* as one of several appellate cases handed down after the stipulation at issue was negotiated and signed, but which would come to aid in clarifying the "legal uncertainties created by the 2006 amendments to the SVPA."²²⁵ However, ultimately the court in *Castillo* held that despite *Borquez's* conclusion that no retroactivity problem in fact existed, the stipulation was enforceable against the County of Los Angeles because the stipulation was entered into in good faith, and reflected a then-existing uncertainty in the application of the law. Therefore, despite the holding in *Borquez*, the County of Los Angeles is bound by the stipulation to apply two year commitment terms for those individuals subject to SVP petitions pending at the time the changes were enacted, and for 24 months thereafter, based on the plain language of the stipulation.

²²⁰ (2009) 174 Cal.App.4th 920.

²²¹ Exhibit X, *Castillo, supra*, at pp. 161-162; Fn. 17.

²²² *Id.*, at p. 163 [citing *People v. Litmon* (2008) 162 Cal.App.4th 383, which held that the SVPA does not attach a "speedy trial" right, but a person alleged by petition to be an SVP has a right to be heard at a meaningful time.]

²²³ *Borquez v. Superior Court* (Cal. Ct. App. 3d Dist. 2007) 156 Cal.App.4th 1275.

²²⁴ *Id.*, at pp. 1288-1289 [emphasis added].

²²⁵ Exhibit X, *Castillo, supra*, at p. 163.

People v. Castillo makes clear that the County is bound by the terms of the stipulation in any remaining SVP cases that were pending at the time the changes to the SVPA were enacted. However, the court’s finding that the stipulation is binding on the County has no effect on the Commission’s determination of whether reimbursement is required pursuant to article XIII B, section 6. The related doctrines of res judicata and collateral estoppel may apply if certain elements are met, and injustice would not result. The California Supreme Court has described the elements of res judicata and collateral estoppel as follows:

As generally understood, the doctrine of *res judicata* gives certain *conclusive effect* to a *former judgment* in subsequent litigation involving the same controversy...The prerequisite elements for applying the doctrine to either an entire cause of action or one or more issues are the same: (1) A claim or issue raised in the present action is identical to a claim or issue litigated in a prior proceeding; (2) the prior proceeding resulted in a final judgment on the merits; and (3) the party against whom the doctrine is being asserted was a party or in privity with a party to the prior proceeding.²²⁶

In this case, the doctrine is asserted against the Department of Finance, as the real party in interest representing the state. In *Castillo*, which the County would hold to be “the prior proceeding,” the Attorney General was a party. The courts have long held that “the agents of the same government are in privity with each other, since they represent not their own rights but the right of the government.”²²⁷ Therefore, the element of privity is established, with respect to the party against whom collateral estoppel is now asserted, the state.

However, the issue raised in the present action is not identical to the issue litigated in the prior proceeding, and, accordingly, the prior proceeding did not result in a judgment on the merits of whether reimbursement was required pursuant to article XIII B, section 6 of the California Constitution. In *People v. Castillo*, there was no discussion of mandate reimbursement, and no finding that the stipulation constituted a reimbursable state-mandate. Accordingly, the judgment in *People v. Castillo* was limited to approving, and deeming enforceable against the County and the state, the stipulation entered into by the District Attorney, the Public Defender, and the Presiding Judge of the Superior Court. Therefore, collateral estoppel does not control the Commission’s finding on this request for redetermination. Rather, the period of reimbursement must be analyzed and determined based on an analysis grounded purely in mandates law, including section 17570 of the Government Code. Government Code section 17570 establishes the period of reimbursement, based on the January 15, 2013 filing date, as the beginning of the prior fiscal year, or July 1, 2011. That period of reimbursement is unaffected by the Supreme Court’s holding in *Castillo, supra*.

Based on the foregoing, the Commission finds that that (1) the California Supreme Court’s finding does not bind the Commission to deny the request for redetermination, or to limit the

²²⁶ *Boeken v. Phillip Morris USA* (2010) 48 Cal.4th 788, at p. 797 [internal quotations and citations omitted] [Citing *People v. Barragan* (2004) 32 Cal.4th 236, 252–253].

²²⁷ *Carmel Valley Fire Protection Dist. v. State of California* (Cal. Ct. App. 2d Dist. 1987) 190 Cal.App.3d 521, at p. 535 [citing *Lerner v. Los Angeles City Board of Education* (1963) 59 Cal.2d 382, at p. 398].

applicability of its findings; and (2) this decision is effective on July 1, 2011, pursuant to Government Code section 17570 and, thus reimbursement for six of the eight activities are no longer reimbursable effective July 1, 2011.

4. Constitutionality of Section 17570

Several comments have raised the constitutionality of section 17570.²²⁸ In particular, the County Counsel of San Diego argues that “[t]he overly broad definition of subsequent change in law contained in Section 17570 is contrary to the purpose and intent of Article XIII B, section 6.”²²⁹ CSAC, in turn, maintains that the Constitution “requires, regardless of any contradicting statute, that the Legislature must either appropriate fund [*sic*] the mandate in the Budget Act or suspend its operation.”²³⁰

The Commission, however, must presume that the Government Code statutes pertaining to the Commission’s processes are constitutional, including section 17570, pursuant to article III, section 3.5 of the California Constitution.²³¹ The Commission therefore finds that the redetermination statutes are presumed constitutional and declines to address the specific constitutional concerns of the interested parties and persons.

IV. CONCLUSION

Based on the foregoing, the Commission partially approves the request for redetermination and concludes that the following activities do not constitute reimbursable state-mandated activities within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17556(f), beginning July 1, 2011:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601(i).)
- Initial review of reports and records by the county’s designated counsel to determine if the county concurs with the state’s recommendation. (Welf. & Inst. Code, § 6601(i).)
- Preparation and filing of the petition for commitment by the county’s designated counsel. (Welf. & Inst. Code, § 6601(i).)²³²

²²⁸ See Exhibit M, County of LA Comments, at p. 5; Exhibit H, CPDA Comments at p. 6; Exhibit N, Alameda County Public Defender’s Comments; Exhibit L, LA County DA Comments, at pp. 11-12; and Exhibit O, County Counsel of San Diego Comments at p. 2.

²²⁹ Exhibit BB, County Counsel of San Diego Comments at p. 2.

²³⁰ Exhibit AA, CSAC Comments on Draft Staff Analysis, Second Hearing, at p. 3.

²³¹ *CSBA II, supra*, 192 Cal.App.4th 770, 795; *Porter v. City of Riverside* (1968) 261 Cal.App.2d 832, 837.

²³² The Test Claim Statement of Decision cites subdivision (j), but subdivision (j) addresses time limits, not a petition for commitment. The Commission therefore assumes that this is a typographical error, and that subdivision (i) was the intended citation for this activity.

- Preparation and attendance by the county’s designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)
- Preparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605(b-d), and 6608(a-d).)
- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605(d).)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

The Commission further finds that the activity of preparation and attendance of county’s designated counsel and indigent defense counsel at the probable cause hearing is not expressly included in or necessary to implement Proposition 83, and therefore remains a reimbursable state-mandated activity. Additionally, the transportation to and from court *for a probable cause hearing* on whether the person is a sexually violent predator is not expressly included in or necessary to implement Proposition 83, and remains a reimbursable state-mandated activity.

Therefore the following activities, required for purposes of probable cause hearings, remain reimbursable state-mandated costs.

- Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Transportation for each potential sexually violent predator to and from a secured facility only to the *probable cause hearing* on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial.

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**RE: Adopted Statement of Decision**

Mandate Redetermination Request, 12-MR-01

Sexually Violent Predators, (CSM-4509)

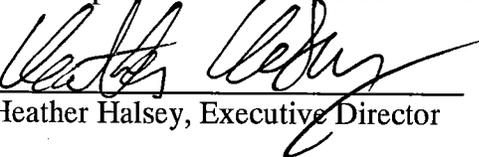
Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4

As Modified by Proposition 83, General Election, November 7, 2006

California Department of Finance, Requester

On December 6, 2013, the foregoing statement of decision of the Commission on State Mandates was adopted in the above-entitled matter.


Heather Halsey, Executive Director

Dated: December 13, 2013

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 13, 2013, I served the:

Adopted Statement of Decision and Draft Expedited Amendment to Parameters and Guidelines

Mandate Redetermination Request, 12-MR-01

Sexually Violent Predators, (CSM-4509)

Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4

California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 13, 2013 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/2/13

Claim Number: 12-MR-01

Matter: Sexually Violent Predators (CSM-4509)

Claimant(s): Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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COMMISSION ON STATE MANDATES

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December 13, 2013

Mr. Tom Dyer
 Department of Finance
 915 L Street
 Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Adopted Statement of Decision, and Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing**
 Mandate Redetermination Request, 12-MR-01
Sexually Violent Predators, (CSM-4509)
 Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;
 Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
 California Department of Finance, Requester

Dear Mr. Dyer:

On December 6, 2013, the Commission on State Mandates (Commission) adopted a new test claim statement of decision that supersedes the previously adopted test claim decision on the above-entitled matter. Subsequently, Government Code section 17570(i) provides that the Commission shall amend the existing parameters and guidelines.

Pursuant to California Code of Regulations, title 2, section 1183.12, Commission staff is expediting the amendment to parameters and guidelines process with the enclosed draft expedited amendment to the parameters and guidelines. The parameters and guidelines are being amended to end reimbursement for six of the eight activities that are no longer reimbursable effective July 1, 2011 as specified in the new test claim statement of decision. Therefore the following two activities, required for purposes of probable cause hearings, remain reimbursable state-mandated costs.

- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Transportation for each potential sexually violent predator to and from a secured facility only to the *probable cause hearing* on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial.

Commission staff also made non-substantive technical corrections for consistency with current boilerplate language.

Review of Draft Expedited Amendment to Parameters and Guidelines. All parties, interested parties, and interested persons may file comments on staff's proposal by **January 2, 2014**. (Cal. Code Regs., tit. 2, § 1183.12(b)(c).)

Mr. Tom Dyer
December 13, 2013
Page 2

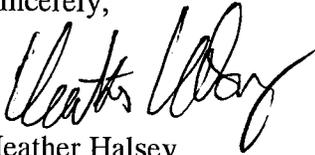
Rebuttals. Within 15 days of service of the comments, all parties, interested parties, and interested persons may submit written rebuttals to Commission staff. (Cal. Code Regs., tit. 2, § 1183.11(f).)

You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission's website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.) If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission's regulations.

The amendment to parameters and guidelines is tentatively set for hearing on **March 28, 2014**.

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,



Heather Halsey
Executive Director

Amended: March 28, 2014
Amended: October 30, 2009
Adopted: September 24, 1998

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DRAFT EXPEDITED AMENDMENT TO PARAMETERS AND GUIDELINES

Welfare and Institutions Code Sections ~~6250 and 6600 through 6608~~ 6602

Statutes 1995, Chapter 762

Statutes 1995, Chapter 763

Statutes 1996, Chapter 4

As Modified by:

Proposition 83, General Election, November 7, 2006

Sexually Violent Predators

CSM-4509

(amended by 05-PGA-43, 12-MR-01)

This amendment is effective beginning July 1, 2011 ~~with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.~~

I. Summary of the Mandate

Statutes 1995, cChapters 762 and 763, ~~Statutes of 1995,~~ and Statutes 1996, cChapter 4, ~~Statutes of 1996,~~ established new civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex-related offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then conducted to determine if the inmate is a sexually violent predator beyond a reasonable doubt. If the inmate accused of being a sexually violent predator is indigent, the test claim legislation requires counties to provide the indigent with the assistance of counsel and experts necessary to prepare the defense.

On June 25, 1998, the Commission on State Mandates (Commission) adopted a sStatement of ~~d~~Decision which approved reimbursement for the following services:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, ~~subd.-(i).~~)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, ~~subd.-(i).~~)
- Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, ~~subd.-(i).~~)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)

- Preparation and attendance by the county’s designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)
- Preparation and attendance by the county’s designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, ~~subds. (b) through (d)~~, and 6608, ~~subds. (a) through (d).~~)
- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, ~~subd. (d).~~)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

~~Statutes 1995, c~~ Chapters 762 and 763, ~~Statutes of 1995,~~ were enacted on October 11, 1995, and became operative on January 1, 1996. ~~Statutes 1996, c~~ Chapter 4, ~~Statutes of 1996,~~ relating to the transportation and housing of potential sexually violent predators at a secured facility, was enacted as an urgency measure and became operative on January 25, 1996.

On November 7, 2006, the voters approved Proposition 83, also known as Jessica’s Law, which amended and reenacted several sections of the Welfare and Institutions Code, including sections approved for reimbursement in the *Sexually Violent Predators*, CSM-4509 test claim.

On January 15, 2013, the Department of Finance filed a request for redetermination of the CSM-4509 decision pursuant to Government Code section 17570. A new test claim decision was adopted December 6, 2013, and these parameters and guidelines were amended, as follows, pursuant to that decision.

II. Eligible Claimants

Counties or cities and counties which incur increased costs as a result of this mandate are eligible to claim reimbursement.

III. Period of Reimbursement

~~This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.~~

~~Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on May 30, 1996. Therefore, costs incurred for Chapter 762, Statutes of 1995 and Chapter 763, Statutes of 1995, are eligible for reimbursement on or after January 1, 1996. Costs incurred for Chapter 4, Statutes of 1996, regarding transport and secured custody of defendants, are eligible for reimbursement on or after January 25, 1996.~~

~~Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of costs shall be~~

~~submitted within 120 days of notification by the State Controller of the enactment of the claims bill.~~

~~If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.~~

Government Code section 17570(f) provides that a request for adoption of a new test claim decision (mandate redetermination) shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for mandate redetermination was filed on January 15, 2013, establishing eligibility for reimbursement or loss of reimbursement based on a new test claim decision on or after July 1, 2011.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Government Code section 17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. Reimbursable Activities

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities. Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, "I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, ~~based upon personal knowledge.~~" and must further comply with the requirements of Code of

Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Activities that require varying levels of effort are not appropriate for time studies. Time study usage is subject to the review and audit conducted by the State Controller's Office.

For each eligible claimant, ~~all direct and indirect costs of labor, supplies and services, for the following activities only are eligible for reimbursement:~~

- ~~A. Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings.~~
 - ~~1. Development of internal policies and procedures (one time activity).~~
 - ~~2. One time training for each employee who normally works on the sexually violent predator program on the county's internal policies and procedures.~~
- ~~B. The following reimbursable activities must be specifically identified to a defendant:~~
 - ~~1. Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. Such activity includes the following:
 - ~~a. Secretarial and paralegal services to assist the county's designated counsel; and~~
 - ~~b. Copying and making long distance telephone calls.~~
 - ~~c. Investigator services that are necessary to determine the sufficiency of the factual evidence supporting a petition.~~~~
 - ~~2. Preparation and filing of the petition for commitment by the county's designated counsel. Such activities include secretarial and paralegal services to assist the county's designated counsel in the preparation and filing of the petition for commitment.~~
 - ~~3. 1. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.~~
 - ~~4. Preparation and attendance by the county's designated counsel and indigent defense counsel at pre trial and trial hearings. Preparation for the pre trial and trial hearings include the following:~~

- a. ~~Secretarial, paralegal and investigator services;~~
 - b. ~~Copying and making long distance telephone calls; and~~
 - c. ~~Travel.~~
5. ~~Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. Preparation for the subsequent hearings includes the following:~~
- a. ~~Secretarial, paralegal and investigator services;~~
 - b. ~~Copying and making long distance telephone calls; and~~
 - c. ~~Travel.~~
6. ~~Retention of court approved experts, investigators, and professionals for the indigent defendant in preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. Such activity includes the following:~~
- a. ~~Copying and long distance telephone calls made by the court approved expert, investigator and/or professional; and~~
 - b. ~~Travel.~~
7. ~~Transportation and housing costs for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. 2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation ~~and housing~~ costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of ~~housing and~~ transportation, in which case no reimbursement of such costs shall be permitted.~~

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial, and does not include housing potential sexually violent predators pending the probable cause hearing or trial.

V. Claim Preparation and Submission

~~Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document.~~

SUPPORTING DOCUMENTATION

~~Claimed costs shall be supported by the following cost element information:~~

~~A. Direct Costs~~

~~Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.~~

~~Claimed costs shall be supported by the following cost element information:~~

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

~~Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.~~

~~Reimbursement for personal services include compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contribution of social security, pension plans, insurance and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.~~

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

~~Only expenditures that can be identified as a direct cost of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.~~

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contract Services

~~Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.~~

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on

the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Travel

~~Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points, and travel costs.~~

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

5. Training

~~The cost of training an employee to perform the mandated activities is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, transportation, lodging, per diem, and registration fees.~~

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

6. Fixed Assets

~~List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is reimbursable.~~

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in the OMB A-87. Claimants have the option of using 10% of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10%. ~~If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.~~

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR Part 225, Appendix A and B (OMB Circular A-87 Attachments A and B). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 Attachments A and B) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

VI. Record Retention

Pursuant to Government Code section 17558.5, ~~subdivision (a)~~, a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If the Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

~~VII. Data for Development of a Statewide Cost Estimate~~

~~The State Controller's Office is directed to include in the claiming instructions a request that claimants send an additional copy of the test claim specific form for the initial years' reimbursement claim by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, California 95814, Facsimile number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate which will be the basis for the Legislature's appropriation for this program.~~

VII. Offsetting Savings Revenues and Other Reimbursements

Any offsetting savings revenue the claimant experiences in the same program as a direct result of the subject mandate same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate ~~received~~ from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

~~IX. State Controller's Office Required Certification~~

~~An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the State contained herein.~~

VIII. State Controller's Claiming Instructions

Pursuant to Government Code section 17558(b), the Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the test claim decision and the parameters and guidelines adopted by the Commission.

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. Remedies Before the Commission

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.2.

X. Legal and Factual Basis for the Parameters and Guidelines

The statements of decision for the mandate redetermination request and new test claim decision and amendments to parameters and guidelines are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 13, 2013, I served the:

**Adopted Statement of Decision and Draft Expedited Amendment to
Parameters and Guidelines**

Mandate Redetermination Request, 12-MR-01

Sexually Violent Predators, (CSM-4509)

Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4

California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 13, 2013 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/2/13

Claim Number: 12-MR-01

Matter: Sexually Violent Predators (CSM-4509)

Claimant(s): Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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December 27, 2013

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Ms. Heather Halsey
Executive Director
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RECEIVED
December 27, 2013
*Commission on
State Mandates*

Re: County of San Diego's Comments to Draft Expedited Amendment to Parameters and Guidelines
Mandate Redetermination Request 12-MR-01
Sexually Violent Predators, (CSM 4509)
Welfare and Institutions Code Sections 6601 through 6608
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763;
Statutes 1996, Chapter 4
Requestor: California Department of Finance

Dear Ms. Halsey:

The County of San Diego, on behalf of the San Diego County Office of the Public Defender, the San Diego District Attorney's Office and the San Diego County Sheriff (collectively referred to as the "County"), hereby submits the following comments in response to the Draft Expedited Amendment to Parameters and Guidelines, filed December 13, 2013 ("Proposed Amended Ps & Gs").

Title 2, California Code of Regulations ("CCR"), section 1190.05(6) provides that if, as a result of a request for redetermination, the commission adopts a new statement of decision which finds that there are costs mandated by the state pursuant to Article XIII B, section 6, subdivision (a) of the California Constitution, the amount and method of reimbursement shall be redetermined in accordance with sections 1183.1 through 1183.32. Here, the commission's staff has elected to follow the expedited procedure set forth in 2 CCR section 1183.12 for drafting proposed parameters and guidelines. 2 CCR section 1183.2 and Government Code section 17559(d)(1) authorizes local agencies to

file a written request with the commission to amend, modify or supplement parameters or guidelines. Parameters and guidelines may be amended, modified or supplemented in order to clarify what constitutes reimbursable activities and to add new reimbursable activities that are reasonably necessary for the performance of the state-mandated program. See, 2 CCR § 1183.2(a)(4) and (5) and Gov't Code § 17559(d)(2)(D) and (E).

In this case, it is appropriate for the commission's staff to amend and supplement the draft expedited amendment to parameters and guidelines to expressly provide that: (1) costs related to the retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing; and (2) costs to house each potential sexually violent predator during his or her probable cause hearing, continue to be reimbursable.

Costs Related to the Retention of Necessary Experts, Investigators, and Professionals for Preparation for the Probable Cause Hearing Should Continue to be Reimbursable.

The SOD correctly concludes that certain costs relating to the probable cause hearing required pursuant to Welfare & Institution Code section 6602 continue to be reimbursable. This includes the cost of transporting each potential sexually violent predator to and from a secured facility to the probable cause hearing on the issue of whether he or she is a sexually violent predator, notwithstanding that this activity was not previously expressly found by the commission to be reimbursable

The same rationale should apply to the costs the county's designated counsel and indigent defense counsel incur for retention of necessary experts, investigators, and professionals for preparation and appearance at the probable cause hearing. As set forth in the declaration of Michael F. Ruiz submitted herewith (see ATTACHMENT A), probable cause hearings require thorough preparation, which includes in many cases the retention of experts, investigators and/or other professionals, necessary to provide individuals with an adequate defense. Even though these costs are not expressly identified as reimbursable costs in the original test claim decision, these costs have been and should continue to be reimbursed to claimants by the state.

Recognizing that the retention of qualified experts, investigators and professionals for probable cause hearings is critical to the prosecution and defense of individuals at the probable cause hearing, the County requests that the commission specifically find that these costs continue to be reimbursable to local agencies pursuant to the SVP mandate.

Costs Related to the Housing of Each Potential Sexually Violent Predator During the Probable Cause Hearing Should Continue to be Reimbursable.

In addition to transporting inmates from the State facilities where they are incarcerated to San Diego County for their SVP probable cause hearings, the Sheriff must also house these inmates for the duration of the hearing and often times longer.

The inmates that are the subject of the SVP proceedings are housed by the California Department of Corrections and Rehabilitation at facilities throughout the state as far east as Calipatria and as far north as Coalinga. (ATTACHMENT B - Ingrassia Decl., ¶ 6.) When these inmates arrive in San Diego County for their SVP proceeding, they are generally brought to the San Diego Central Jail, processed and then transferred to and housed at the George Bailey Detention Facility in Otay Mesa. (Ingrassia Decl., ¶ 7.)

The Sheriff is responsible for housing these inmates for the duration of their stay in San Diego County, which often lasts several months. (Ingrassia Decl., ¶ 8.) On average, the Sheriff is housing three to four inmates subject to SVP proceedings at any particular point in time. (Ingrassia Decl., ¶ 9.) In fiscal year 2010-11 the number of days that all inmates, who were subject to SVP proceedings, were in the Sheriff's custody totaled 2,874. In fiscal year 2011-12 the number of days that all inmates, who were subject to SVP proceedings, were in the Sheriff's custody totaled 2,360. (Ingrassia Decl., ¶¶ 11 and 12.)

The cost to house an inmate, which includes, among other things, the cost to process and intake an inmate, provide medical exams, staffing, utilities, and food varies between an average cost of \$107.50 per day at the George Bailey Correctional Facility to \$159.24 per day at the Central Jail. The State has previously reimbursed the Sheriff for the cost to house these inmates at the rate of \$71.87. (Ingrassia Decl., ¶ 13.)

Using the actual average cost, the annual cost incurred by the Sheriff to house these inmates in fiscal year 2010-11 was approximately \$450,000. Even at the lower reimbursement rate paid by the State, reimbursable costs incurred by the Sheriff in fiscal year 2011-12 to house and provide for inmates subject to SVP proceedings exceeded \$205,000. While not all of the housing costs are attributable to the probable cause hearings, these housing costs are significant portion of the total housing costs incurred by the Sheriff for housing inmates for their SVP proceedings.

Housing inmates for their probable cause hearings is a vital and necessary component to carrying out the balance of the mandated activities required by Welfare & Institutions Code sections 6600 through 6608 and should continue to be reimbursable.

Conclusion

For the reasons set forth above, the reimbursable activities identified in the draft expedited amendment to parameters and guidelines should be amended to read as follows:

For each eligible claimant, the following activities only are eligible for reimbursement:

1. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes, the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing regarding the condition of the sexually violent predator.
 - c. Copying and making long distance telephone calls; and
 - d. Travel.
2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation and housing costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of housing and transportation, in which case no reimbursement of such costs shall be permitted.

This activity does not include transportation and housing for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial; ~~and does not include housing potential sexually violent predators pending the probable cause hearing or trial.~~

Declaration

I, Timothy Barry declare that I am employed as a Senior Deputy County Counsel for the County of San Diego; that I am familiar with the facts and issues presented in this

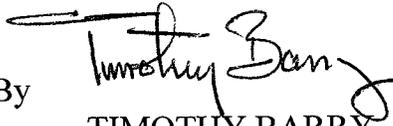
matter; and that I am authorized to make this declaration on behalf of the County of San Diego.

I further certify under penalty of perjury that the facts set forth in the foregoing comments and the attachment hereto are true and correct to the best of my own knowledge except as to matters stated on information and belief and as to those matters, I believe them to be true.

Executed this 21st day of December, 2013, in San Diego, California.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By 

TIMOTHY BARRY, Senior Deputy

Cc: Mr. Michael Ruiz
Mr. John Rice
Mr. Ronald Lane
13-90066

ATTACHMENT A

DECLARATION OF MICHAEL F. RUIZ IN SUPPORT OF COUNTY OF SAN DIEGO'S COMMENTS TO DRAFT EXPEDITED AMENDMENT TO PARAMETERS AND GUIDELINES

I, Michael F. Ruiz, declare as follows:

1. I make this declaration based on my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify herein, I could and would competently testify to the following.
2. I am an attorney authorized to practice law in the State of California. I am employed as a Deputy Public Defender IV by the County of San Diego Department of Public Defender.
3. My employment responsibilities include litigating cases pursuant to Welfare & Institutions Code ("W&I Code") sections 6600 *et. seq.*, at all stages of the proceedings.
4. Our office represents individuals as respondent (defense) counsel at probable cause hearings held pursuant to W&I Code § 6602 and at the trials of such individuals and any subsequent hearings held pursuant to W&I Code §§ 6603, 6604, 6605 and 6608.
5. Our office is also responsible for the retention of necessary experts, investigators, and professionals for preparation for the probable cause hearings as well as for trial and any subsequent hearings for such individuals.
6. I am informed and believe that the Statement of Decision adopted December 6, 2013, and the Draft Expedited Amendment to Parameters and Guidelines ("SOD" and "Draft Ps & Gs") allow local governmental entities to continue to recover costs related to the preparation and attendance of the county's designated counsel and indigent defense counsel at probable cause hearing as well as the costs of transporting each potential sexually violent predator to and from the probable cause hearing.
7. I am also informed and believe that the SOD and Draft Ps & Gs are silent with respect to whether the costs that either the county's designated counsel or indigent defense counsel incur for the retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing continue to be reimbursable.
8. I am further informed and believe that the SOD and Draft Ps & Gs do not allow for the recovery of housing costs incurred by local agencies for the housing of each potential sexually violent predator at a secured facility while the individual awaits the probable cause hearing on the issue of whether he or she is a sexually violent predator.
9. The retention of necessary experts, investigators and professionals for purposes of preparing for a probable cause hearing can be critical to the defense of

individual.

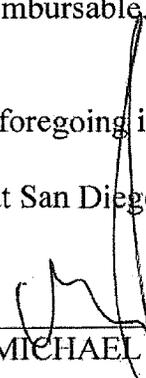
10. The probable cause hearing is a critical stage of any SVP civil commitment proceeding. It is the hearing at which the court makes a determination whether sufficient evidence exists to continue to detain an individual (who would otherwise be released on parole) in a confined setting and set a matter for trial.
11. The burden is on the government to prove, by probable cause, that three statutory requirements are met: i.e. (1) that the Respondent has been convicted of a "sexually violent offense"; (2) that the Respondent currently suffers from a mental disorder which predisposes him to the commission of sexually violent predatory offenses; and (3) that there is a serious and well-founded risk that the Respondent will commit another sexually violent predatory offense unless he is treated in a confined setting in the custody of the Department of State Hospitals and subsequently beyond a reasonable doubt, at trial.
12. While the first requirement is strictly a matter of law, the second and third requirements require that the attorney designated by the county (in San Diego, the District Attorney) and Respondent's counsel (in San Diego, the Public Defender) have a working knowledge not only of the statutory terms and case law construing those terms, but also of psychiatric diagnoses and actuarial and dynamic risk assessment.
13. SVP litigation is a high-end forensic practice. The areas of diagnosis and risk assessment are ever-changing and the assistance of qualified professionals is critical to the preparation of these cases.
14. At the probable cause stage of SVP proceedings, practitioners for both sides must be able to independently assess both the diagnostic and the relative risk conclusions reached by the designated DSH evaluators. For instance, just last year in San Diego County, in the case of *People v. Alfredo Mejia*, a W&I Code § 6600 petition was dismissed at the probable cause hearing, because mistakes had been made in the scoring of the actuarial instruments by the DSH evaluators, elevating the Respondent's *actual* relative risk category (S99R score of -1) from extremely low to extremely high. Had Respondent's counsel not had the ability to consult with a qualified expert and present his testimony at the probable cause hearing, the case would have proceeded to trial at great and unnecessary taxpayer expense.
15. In another case in this County, *People v. Mark McKinney*, investigation conducted by Respondent's counsel in preparation for the probable cause hearing revealed that the Respondent was approximately twenty years older than his documented age, that a victim's date of birth from a decades-old out-of-state conviction had been incorrectly documented by law enforcement at the

time of arrest, making her appear younger than she actually was. Additional investigation also revealed that a second victim was, potentially, four years older than had been documented by the records available to the DSH evaluators. This information discovered by our investigator and subsequently consulted with the appropriate experts prior to the probable cause hearing was extremely significant to the issues related to diagnoses.

16. In addition, as counsel for a respondent in an SVP proceeding, it is often necessary for me to travel to meet with my client, who may be incarcerated in any one of a number of facilities throughout the state as well as to travel to meet with retained investigators, experts and professionals who often are not located in San Diego County. Further, clients are often housed at Coalinga State Hospital pending probable cause where there are significant expenses incurred in preparation of their hearing. The costs of travel for these necessary meetings should also continue to be reimbursable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24 day of December, 2013 at San Diego, California.



MICHAEL F. RUIZ

ATTACHMENT B

DECLARATION OF JOHN INGRASSIA IN SUPPORT OF COUNTY OF SAN DIEGO'S COMMENTS TO DRAFT EXPEDITED AMENDMENT TO PARAMETERS AND GUIDELINES

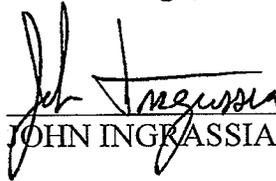
I, John Ingrassia, declare as follows:

1. I make this declaration based on my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify herein, I could and would competently testify to the following.
2. I am employed by the San Diego County Sheriff's Department. I have been employed by the San Diego County Sheriff as a public safety officer for twenty-four years. I have held the rank of Commander since April 2008. I am currently the Commander in charge of Area 2 for the Sheriff's Detention Services Bureau.
3. My employment responsibilities include management and supervision of four of the Department's seven detention facilities, as well as the Prisoner Transportation Detail, Jail Population Management Unit and Detentions Investigations Unit.
4. Our office is responsible for transporting and housing inmates who are the subject of civil proceedings to determine whether there is a serious and well-founded risk that the inmate will commit another sexually violent predatory offense unless he is treated in a confined setting in the custody of the Department of State Hospitals.
5. This includes the obligation to transport and house inmates for probable cause hearings prior to the actual trial on the merits of the case.
6. The inmates that are the subject of the SVP proceedings are housed by the California Department of Corrections and Rehabilitation at facilities throughout the state as far east as Calipatria and as far north as Coalinga.
7. When these inmates arrive in San Diego County for their SVP proceeding, they are generally brought to the San Diego Central Jail, processed and then transferred to and housed at the George Bailey Detention Facility in Otay Mesa.
8. The Sheriff is responsible for housing these inmates for the duration of their stay in San Diego County, which often lasts several months and in one case this year the inmate has been in our custody since October of 2012 .
9. During the last year, we, on average, have housed three to four inmates subject to SVP proceedings at any particular point in time.
10. I am informed that in fiscal year 2009-10 the number of days that all inmates, who were subject to SVP proceedings, were in the Sheriff's custody totaled 622.
11. I am informed that in fiscal year 2010-11 the number of days that all inmates,

- who were subject to SVP proceedings, were in the Sheriff's custody totaled 2,874.
12. I am informed that in fiscal year 2011-12 the number of days that all inmates, who were subject to SVP proceedings, were in the Sheriff's custody totaled 2,360.
 13. The cost to house an inmate, which includes, among other things, the cost to process and intake an inmate, provide medical exams, staffing, utilities, and food varies between an average cost of \$107.50 per day at the George Bailey Correctional Facility to \$159.24 per day at the Central Jail. The State has previously reimbursed the Sheriff for the cost to house these inmates at the rate of \$71.87.
 14. I am informed and believe that the Statement of Decision adopted December 6, 2013, and the Draft Expedited Amendment to Parameters and Guidelines ("SOD" and "Draft Ps & Gs") allow local governmental entities to continue to recover costs of transporting each potential sexually violent predator to and from the probable cause hearing but does not allow for the recovery of the costs to house such individuals while they are in our custody.
 15. Even at the lower reimbursement rate paid by the State, reimbursable costs incurred by the Sheriff in fiscal year 2011-12 to house and provide for inmates subject to SVP proceedings exceeded \$205,000.
 16. Housing inmates for their probable cause hearings is a vital and necessary component to carrying out the balance of the mandated activities required by Welfare & Institutions Code Sections 6600 through 6608 and should continue to be reimbursable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of December, 2013 at San Diego, California.



JOHN INGRASSIA

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On December 30, 2013, I served the:

County of San Diego Comments

Mandate Redetermination

CSM-4509 (12-MR-01), *Sexually Violent Predators*

Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4

California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 30, 2013 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/16/13

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Claimant(s): Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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 California State Controller
 Division of Accounting and Reporting

RECEIVED
 January 02, 2014
 Commission on
 State Mandates

January 2, 2014

Ms. Heather Halsey
 Executive Director
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814

Re: Adopted Statement of Decision, and Draft Expedited Amendment to Parameters and Guidelines, and Notice of Hearing
Mandate Redetermination Request, 12-MR-01
Sexually Violent Predators, (CSM-4509)
Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

Dear Ms. Halsey:

The State Controller's Office has reviewed the proposed amendment to parameters and guidelines drafted by your office and recommends no changes.

Should you have any questions regarding the above, please contact Tiffany Hoang at (916) 323-1127 or e-mail thoang@sco.ca.gov.

Sincerely,

JAY LAL, Manager
 Local Reimbursements Section

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DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Yolo and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On January 2, 2014, I served the:

State Controller's Office (SCO) Comments

Mandate Redetermination

CSM-4509 (12-MR-01), *Sexually Violent Predators*

Welfare and Institutions Code Sections 6601, 6602, 6603, 6604, 6605, and 6608;
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 2, 2014 at Sacramento, California.



Jason Hone
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 12/30/13

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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March 12, 2014

Mr. Tom Dyer
Department of Finance
915 L Street
Sacramento, CA 95814

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Proposed Statement of Decision and Amended Parameters and Guidelines**
Sexually Violent Predators, CSM-4509 (12-MR-01)
Welfare and Institutions Code Sections 6602;
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

Dear Mr. Dyer:

The proposed statement of decision and amended parameters and guidelines for the above-named matter are enclosed for your review.

Hearing

This matter is set for hearing on **Friday, March 28, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

Please contact Heidi Palchik at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey".

Heather Halsey
Executive Director

ITEM 6
PROPOSED PARAMETERS AND GUIDELINES AMENDMENT
AND
STATEMENT OF DECISION

Welfare and Institutions Code Sections ~~6250 and 6600 through 6608~~ 6602

Statutes 1995, Chapter 762

Statutes 1995, Chapter 763

Statutes 1996, Chapter 4

As Modified by:

Proposition 83, General Election, November 7, 2006

Sexually Violent Predators

CSM-4509

(amended by 05-PGA-43, 12-MR-01)

Department of Finance, Requester

EXECUTIVE SUMMARY

The following is the proposed statement of decision for this matter prepared pursuant to section 1188.1 of the Commission on State Mandates' (Commission's) regulations. As of January 1, 2011, Commission hearings on the adoption of proposed parameters and guidelines are conducted under article 7 of the Commission's regulations.¹ Article 7 hearings are quasi-judicial hearings. The Commission is required to adopt a decision that is correct as a matter of law and based on substantial evidence in the record.² Oral or written testimony is offered under oath or affirmation in article 7 hearings.³

I. SUMMARY OF THE MANDATE

These proposed amended parameters and guidelines pertain to the *Sexually Violent Predators* test claim, CSM-4509, as modified by the Commission's new test claim decision, 12-MR-02, adopted December 6, 2013. Based on the filing date of the redetermination request, the period of reimbursement for these amended parameters and guidelines begins on July 1, 2011.

Statutes 1995, chapters 762 and 763, and Statutes 1996, chapter 4, established civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sexual offenses. Before detention and treatment are imposed, a designated county attorney is required to file a petition for civil commitment. A trial is then conducted to determine beyond a reasonable doubt if the inmate is a sexually violent predator, as defined in the test claim statutes. If the inmate accused of being a sexually violent

¹ California Code of Regulations, Title 2, section 1187.

² Government Code section 17559(b); California Code of Regulations, Title 2, 1187.5.

³ *Ibid.*

predator is indigent, the test claim statutes require counties to provide the indigent person with assistance of counsel and experts necessary to prepare the defense.

On June 25, 1998, the Commission adopted a statement of decision on the test claim, approving reimbursement for preparation and attendance by the county's designated counsel at the probable cause hearing, trial, and further hearings; and related activities, including housing and transportation of potential sexually violent predator while awaiting trial.⁴

The new test claim decision, adopted December 6, 2013, provides continuing reimbursement only for preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing, and for transportation between a courthouse and a secure facility for purposes of the probable cause hearing.⁵ The Commission, pursuant to the redetermination decision authorized by Government Code section 17570, found that both of these activities were imposed by the Legislature, but that all remaining activities previously approved were now required by an intervening voter-enacted ballot measure, and therefore no longer reimbursable pursuant to Government Code section 17556(f).⁶

II. PROCEDURAL HISTORY

On June 25, 1998, the Commission adopted a statement of decision on the test claim. On September 24, 1998, the Commission adopted parameters and guidelines, identifying the activities for reimbursement as stated above.⁷ On October 30, 2009, the parameters and guidelines were amended pursuant to a boilerplate language amendment request brought by the State Controller's Office.⁸

On January 15, 2013, the Department of Finance (Finance) filed a request for redetermination of the CSM-4509 decision pursuant to Government Code section 17570, alleging that Proposition 83, approved by the voters on November 8, 2006, constitutes a subsequent change in law, as defined, which modifies the state's liability under the test claim statute.⁹ On December 6, 2013, the Commission adopted a new test claim decision to reflect the state's modified liability under the test claim statutes.¹⁰ On December 13, 2013, Commission staff issued a draft expedited amendment to parameters and guidelines, pursuant to sections 17570(i) and 17557.¹¹ On December 27, 2013 the County of San Diego submitted written comments on the draft expedited

⁴ Exhibit A, Test Claim Statement of Decision, at p. 13.

⁵ Exhibit E, New Test Claim Statement of Decision, at pp. 54-55.

⁶ *Ibid.*

⁷ Exhibit B, Parameters and Guidelines, adopted September 24, 1998, at pp. 3-5.

⁸ Exhibit C, Amended Parameters and Guidelines, adopted October 30, 2009.

⁹ Exhibit D, Redetermination Request, dated January 15, 2013.

¹⁰ Exhibit E, New Test Claim Decision, adopted December 6, 2013.

¹¹ Exhibit F, Draft Expedited Amendment to Parameters and Guidelines.

amendment to parameters and guidelines.¹² On January 2, 2014, the State Controller’s Office submitted written comments on the draft expedited amendment to parameters and guidelines.¹³

III. DISCUSSION

A. Period of Reimbursement (Section III. of Proposed Parameters and Guidelines)

Government Code section 17570(f) provides that redetermination request “shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year.”¹⁴ Based on the January 15, 2013 filing date for the redetermination request,¹⁵ eligibility for reimbursement or loss of reimbursement under the new test claim decision adopted pursuant to that request is established beginning July 1, 2011.

B. Reimbursable Activities (Section IV. of Proposed Parameters and Guidelines)

In the draft expedited amended parameters and guidelines, the following two activities only were identified for reimbursement, in accordance with the new test claim decision:¹⁶

1. Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation ~~and housing~~ costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of ~~housing and~~ transportation, in which case no reimbursement of such costs shall be permitted.

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial, and does not include housing potential sexually violent predators pending the probable cause hearing or trial.

In comments on the draft expedited amended parameters and guidelines, the County of San Diego urged the Commission to consider additional “reasonably necessary” activities related to the two activities identified above. Specifically, the County asserted that preparation for a

¹² Exhibit G, County of San Diego Comments.

¹³ Exhibit H, Controller’s Comments.

¹⁴ Government Code section 17570(f) (Stats. 2010, ch. 719 (SB 856)).

¹⁵ Exhibit D, Redetermination Request.

¹⁶ Exhibit F, Draft Expedited Amendment to Parameters and Guidelines.

probable cause hearing by indigent defense counsel also requires the “retention of qualified experts, investigators and professionals,” and that costs related to housing potential sexually violent predators pending a probable cause hearing should continue to be reimbursable.¹⁷

- i. *Activities and costs related to housing potential sexually violent predators pending trial are expressly denied in the test claim decision.*

The Commission found, in the new test claim decision, that costs to house a potential sexually violent predator at a secure facility pending trial were not reimbursable, because the “purpose and intent of Proposition 83 is to protect the public from dangerous felony offenders...” and the proper operation of the program “requires therefore that persons must be held in custody while awaiting trial to determine whether long-term (or permanent) commitment is appropriate.”¹⁸ Therefore, the Commission found that holding potential sexually violent predators in custody pending trial was an essential function of the program as enacted by the voters, and thus the attendant housing costs are no longer reimbursable pursuant to section 17556(f). The Commission’s findings state expressly that the approved activity of transportation between the courthouse and a secure facility for probable cause hearings “does not include housing potential sexually violent predators pending the probable cause hearing or trial.”¹⁹ That determination is final and no longer subject to reconsideration, and therefore costs pertaining to housing a potential sexually violent predator are not reimbursable in these parameters and guidelines.

- ii. *Activities and costs related to retention of necessary experts, investigators, and professionals for preparation for a probable cause hearing are reasonably necessary to comply with the mandate and should remain reimbursable.*

The County also urges the Commission to consider providing reimbursement in the parameters and guidelines for “costs the county’s designated counsel and indigent defense counsel incur for retention of necessary experts, investigators, and professionals for preparation and appearance at the probable cause hearing.” The County asserts that “[e]ven though these costs are not expressly identified as reimbursable costs in the original test claim decision, these costs have been and should continue to be reimbursed to claimants by the state.” The County “requests that the [C]ommission specifically find that these costs continue to be reimbursable to local agencies pursuant to the SVP mandate,” because, the County asserts, “retention of qualified experts, investigators and professionals for probable cause hearings is critical to the prosecution and defense of individuals at the probable cause hearing.”²⁰

Reasonably necessary activities proposed must be supported by substantial evidence in order to withstand judicial review, and that evidence must include something other than hearsay evidence.²¹ Here, the County submits the declaration of Mr. Michael Ruiz, a Deputy Public

¹⁷ Exhibit G, County of San Diego Comments, at pp. 2-3.

¹⁸ Exhibit E, New Test Claim Statement of Decision, at p. 37.

¹⁹ Exhibit E, New Test Claim Statement of Decision, at p. 55.

²⁰ Exhibit G, County of San Diego Comments, at p. 2.

²¹ Government Code section 17559(b) (Stats. 1999, ch. 643 (Ab 1679)) [citing Code of Civil Procedure section 1094.5].

Defender for the County of San Diego. Mr. Ruiz states that “retention of necessary experts, investigators and professionals for purposes of preparing for a probable cause hearing can be critical to the defense of individual [sic].”²² In addition, Mr. Ruiz states that “[t]he probable cause hearing is a critical stage of any SVP civil commitment proceeding, and that “SVP litigation is a high-end forensic practice...and the assistance of qualified professionals is critical to the preparation of these cases.”²³ Mr. Ruiz also states that “[a]t the probable cause stage of SVP proceedings, practitioners for both sides must be able to independently assess both the diagnostic and the relative risk conclusions reached by the designated DSH evaluators.”²⁴

Based on the foregoing, staff finds that the activity of “Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing” should be modified to include the retention of necessary experts, investigators, and professionals for preparation. However, the amended activity may not be interpreted to provide reimbursement for preparation for trial; the amended activity shall provide as follows:

1. Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
 - d. Retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing ONLY.

This activity does not include retention of experts, investigators, and professionals for preparation for trial on the issue of whether an individual is a sexually violent predator.

IV. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the attached proposed statement of decision and proposed amended parameters and guidelines. Staff further recommends that the Commission authorize staff to make any non-substantive, technical corrections to the amended parameters and guidelines following the Commission hearing on this matter.

²² Exhibit G, County of San Diego Comments, at pp. 6-7.

²³ Exhibit G, County of San Diego Comments, at p. 7.

²⁴ Exhibit G, County of San Diego Comments, at p. 7.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE AMENDED PARAMETERS AND
GUIDELINES:

Welfare and Institutions Code section 6602;
Statutes 1995, Chapter 762 (SB 1143); Statutes
1995, Chapter 763 (AB 888); Statutes 1996,
Chapter 4 (AB 1496);
Sexually Violent Predators (CSM-4509), As
Modified by:
Proposition 83, General Election,
November 7, 2006
Period of reimbursement begins on July 1, 2011.

Case No.: CSM-4509 (12-MR-01)

Sexually Violent Predators

STATEMENT OF DECISION PURSUANT
TO GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7

(Adopted March 28, 2014)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) adopted this statement of decision and parameters and guidelines during a regularly scheduled hearing on March 28, 2014. [Witness list will be included in the final statement of decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code section 17500 et seq., and related case law.

The Commission adopted the amended parameters and guidelines and statement of decision by a vote of [Vote count will be included in the final statement of decision].

I. SUMMARY OF THE MANDATE

These proposed amended parameters and guidelines pertain to the *Sexually Violent Predators* test claim, CSM-4509, as modified by the Commission's new test claim decision adopted December 6, 2013, pursuant to a redetermination request (12-MR-02) filed by the Department of Finance (Finance). Based on the filing date of the redetermination request, the period of reimbursement for these amended parameters and guidelines begins on July 1, 2011.²⁵

Statutes 1995, chapters 762 and 763, and Statutes 1996, chapter 4, established civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then

²⁵ Government Code section 17570(f) (Stats. 2010, ch. 719 (SB 856)).

conducted to determine beyond a reasonable doubt if the inmate is a sexually violent predator, as defined in the statutes. If the inmate accused of being a sexually violent predator is indigent, the test claim statutes require counties to provide the indigent with assistance of counsel and experts necessary to prepare the defense.

On June 25, 1998, the Commission adopted a statement of decision on the test claim, approving reimbursement for preparation and attendance by the county's designated counsel at the probable cause hearing, trial, and further hearings; and related activities, including housing and transportation of potential sexually violent predator while awaiting trial.²⁶

The new test claim decision, adopted December 6, 2013, provides continuing reimbursement only for preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing, and for transportation between a courthouse and a secure facility for purposes of the probable cause hearing.²⁷ The Commission, pursuant to the redetermination decision authorized by Government Code section 17570, found that both of these activities were imposed by the Legislature, but that all other activities previously approved were now required by an intervening voter-enacted ballot measure, and therefore no longer reimbursable pursuant to Government Code section 17556(f).²⁸

II. PROCEDURAL HISTORY

On June 25, 1998, the Commission adopted a test claim statement of decision approving reimbursement for certain activities of the Sexually Violent Predators program.²⁹ On September 24, 1998, the Commission adopted parameters and guidelines.³⁰ On October 30, 2009, the parameters and guidelines were amended pursuant to a boilerplate language amendment request brought by the State Controller's Office.³¹

On January 15, 2013, Finance filed a request for redetermination of the Sexually Violent Predators mandate, CSM-4509.³² On December 6, 2013, the Commission adopted a new test claim decision to reflect the state's modified liability.³³ On December 13, 2013, Commission staff issued a draft expedited amendment to parameters and guidelines, in accordance with the Commission's new test claim decision.³⁴ On December 27, 2013, the County of San Diego submitted written comments on the draft expedited amendment to parameters and guidelines.³⁵

²⁶ Exhibit A, Test Claim Statement of Decision, adopted June 25, 1998, at p. 13.

²⁷ Exhibit E, New Test Claim Statement of Decision, at pp. 54-55.

²⁸ *Ibid.*

²⁹ Exhibit A, Test Claim Statement of Decision.

³⁰ Exhibit B, Parameters and Guidelines, adopted September 24, 1998, at pp. 3-5.

³¹ Exhibit C, Amended Parameters and Guidelines, adopted October 30, 2009.

³² Exhibit D, Redetermination Request, dated January 15, 2013.

³³ Exhibit E, New Test Claim Statement of Decision.

³⁴ Exhibit F, Draft Expedited Amendment to Parameters and Guidelines.

On January 2, 2014, the State Controller's Office submitted written comments on the draft expedited amendment to parameters and guidelines.³⁶

III. COMMISSION FINDINGS

A. Period of Reimbursement (Section III. of Parameters and Guidelines)

Government Code section 17570(f) provides that redetermination request "shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year."³⁷ Based on the January 15, 2013 filing date,³⁸ eligibility for reimbursement or loss of reimbursement under the new test claim decision adopted pursuant to that request is established beginning July 1, 2011.

B. Reimbursable Activities (Section IV. of Parameters and Guidelines)

In the draft expedited amended parameters and guidelines, the following two activities only were identified for reimbursement, in accordance with the new test claim decision:³⁹

1. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation ~~and housing~~ costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of ~~housing and~~ transportation, in which case no reimbursement of such costs shall be permitted.

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial, and does not include housing potential sexually violent predators pending the probable cause hearing or trial.

The Commission finds that the above reimbursable activities are consistent with the new test claim statement of decision, and should continue to be reimbursable in the amended parameters and guidelines.

³⁵ Exhibit G, County of San Diego Comments.

³⁶ Exhibit H, Controller's Comments.

³⁷ Government Code section 17570(f) (Stats. 2010, ch. 719 (SB 856)).

³⁸ Exhibit D, Redetermination Request.

³⁹ Exhibit F, Draft Expedited Amendment to Parameters and Guidelines.

1. Some of the activities alleged by the County of San Diego are reasonably necessary to comply with the mandate.

In comments submitted on the draft expedited amended parameters and guidelines, the County of San Diego urged the Commission to consider additional “reasonably necessary” activities related to the two activities identified above. Specifically, the County asserted that preparation for a probable cause hearing by indigent defense counsel also requires the “retention of qualified experts, investigators and professionals,” and that costs related to housing potential sexually violent predators pending a probable cause hearing should continue to be reimbursable.⁴⁰

- i. Activities and costs related to housing potential sexually violent predators pending trial are expressly denied in the test claim decision.*

In the new test claim decision, the Commission found that costs to house a potential sexually violent predator at a secure facility pending trial were not reimbursable, because the “purpose and intent of Proposition 83 is to protect the public from dangerous felony offenders...” and the proper operation of the program “requires therefore that persons must be held in custody while awaiting trial to determine whether long-term (or permanent) commitment is appropriate.”⁴¹ Therefore, the Commission found that holding potential sexually violent predators in custody pending trial was an essential function of the program as enacted by the voters, and thus the attendant housing costs are no longer reimbursable pursuant to section 17556(f).

The County argues here that costs related to housing each potential sexually violent predator during the probable cause hearing should continue to be reimbursable. The County states that “inmates that are the subject of the SVP proceedings are housed by the California Department of Corrections and Rehabilitation at facilities throughout the state as far east as Calipatria and as far north as Coalinga.” When an inmate is brought back to the County for trial on the issue of whether he or she is a sexually violent predator, the inmate is “generally brought to the San Diego Central Jail, processed and then transferred to and housed at the George Bailey Detention Facility in Otay Mesa.”⁴² The County asserts that its “Sheriff is responsible for housing these inmates for the duration of their stay in San Diego County, which often lasts several months.”⁴³

However, whether or not a probable cause hearing is held, the “stay in San Diego County” for which the County seeks reimbursement ultimately concludes with an SVP trial, which the Commission has determined is no longer reimbursable. The County fails to allege an incremental increase in service or cost that is required to house an inmate pending a probable cause hearing, over and above that required to house the same person only for trial. Moreover, the “cost to process and intake an inmate, [and to] provide medical exams” would logically be incurred by the counties even if no probable cause hearing were required. These initial intake activities would be required pending an SVP trial, and therefore these activities are necessary to

⁴⁰ Exhibit G, County of San Diego Comments, at pp. 2-3.

⁴¹ Exhibit E, New Test Claim Statement of Decision, at p. 37.

⁴² Exhibit G, County of San Diego Comments, at p. 3.

⁴³ Exhibit G, County of San Diego Comments, at p. 9.

implement the voter-enacted ballot measure and are no longer reimbursable, consistent with the Commission's new test claim decision.

More importantly, based on the findings cited above from the new test claim decision, it would be inconsistent with the new test claim decision to now include in the parameters and guidelines reimbursement for housing costs pending a probable cause hearing. The Commission's findings state expressly that the approved activity of transportation between the courthouse and a secure facility for probable cause hearings "does not include housing potential sexually violent predators pending the probable cause hearing or trial."⁴⁴ That determination is final and no longer subject to reconsideration, and therefore costs pertaining to housing a potential sexually violent predator are not reimbursable in these parameters and guidelines.

- ii. *Activities and costs related to retention of necessary experts, investigators, and professionals for preparation for a probable cause hearing are reasonably necessary to comply with the mandate and should remain reimbursable.*

In addition to the costs of housing inmates pending probable cause hearings, the County urges the Commission to consider providing reimbursement in the parameters and guidelines for "costs the county's designated counsel and indigent defense counsel incur for retention of necessary experts, investigators, and professionals for preparation and appearance at the probable cause hearing." The County asserts that "[e]ven though these costs are not expressly identified as reimbursable costs in the original test claim decision, these costs have been and should continue to be reimbursed to claimants by the state." The County "requests that the [C]ommission specifically find that these costs continue to be reimbursable to local agencies pursuant to the SVP mandate," because, the County asserts, "retention of qualified experts, investigators and professionals for probable cause hearings is critical to the prosecution and defense of individuals at the probable cause hearing."⁴⁵

Government Code section 17559 provides that a claimant or the state may petition to set aside a Commission decision not supported by substantial evidence.⁴⁶ The Commission's regulations provide that hearings need not be conducted according to strict and technical rules of evidence, but that evidence must be "the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs," and that hearsay evidence will usually not be sufficient to support a finding unless admissible over objection in a civil action. The regulations also provide for admission of oral or written testimony, the introduction of exhibits, and taking official notice "in the manner and of such information as is described in Government Code section 11515."⁴⁷ Therefore the reasonably necessary activities proposed must be supported by substantial evidence in order to withstand judicial review, and that evidence must include something other than hearsay evidence.

⁴⁴ Exhibit E, New Test Claim Statement of Decision, at p. 55.

⁴⁵ Exhibit G, County of San Diego Comments, at p. 2.

⁴⁶ Government Code section 17559(b) (Stats. 1999, ch. 643 (Ab 1679)) [citing Code of Civil Procedure section 1094.5].

⁴⁷ Code of Regulations, title 2, section 1187.5.

The County submits the declaration of Mr. Michael Ruiz, a Deputy Public Defender for the County of San Diego. Mr. Ruiz states that “retention of necessary experts, investigators and professionals for purposes of preparing for a probable cause hearing can be critical to the defense of individual [sic].”⁴⁸ In addition, Mr. Ruiz states that “[t]he probable cause hearing is a critical stage of any SVP civil commitment proceeding, and that “SVP litigation is a high-end forensic practice...and the assistance of qualified professionals is critical to the preparation of these cases.”⁴⁹ Mr. Ruiz also states that “[a]t the probable cause stage of SVP proceedings, practitioners for both sides must be able to independently assess both the diagnostic and the relative risk conclusions reached by the designated DSH evaluators.”⁵⁰

No evidence has been filed to rebut this declaration.

Therefore, based on the foregoing, the Commission finds that the activity of “Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing” should be modified to include the retention of necessary experts, investigators, and professionals for preparation. However, the amended activity may not be interpreted to provide reimbursement for preparation for trial; the amended activity shall provide as follows:

1. Preparation and attendance by the county’s designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
 - d. Retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing ONLY.

This activity does not include retention of experts, investigators, and professionals for preparation for trial on the issue of whether an individual is a sexually violent predator.

IV. CONCLUSION

Based on the foregoing analysis, the Commission hereby adopts the proposed statement of decision and attached proposed amendments to the parameters and guidelines.

⁴⁸ Exhibit G, County of San Diego Comments, at pp. 6-7.

⁴⁹ Exhibit G, County of San Diego Comments, at p. 7.

⁵⁰ Exhibit G, County of San Diego Comments, at p. 7.

Amended: March 28, 2014

Amended: October 30, 2009

Adopted: September 24, 1998

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AMENDMENT TO PARAMETERS AND GUIDELINES

Welfare and Institutions Code Sections ~~6250 and 6600 through 6608~~ 6602

Statutes 1995, Chapter 762

Statutes 1995, Chapter 763

Statutes 1996, Chapter 4

As Modified by:

Proposition 83, General Election, November 7, 2006

Sexually Violent Predators

CSM-4509

(amended by 05-PGA-43, 12-MR-01)

This amendment is effective beginning July 1, 2011 ~~with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.~~

I. Summary of the Mandate

~~Statutes 1995, c~~Chapters 762 and 763, ~~Statutes of 1995,~~ and ~~Statutes 1996, c~~Chapter 4, ~~Statutes of 1996,~~ established new civil commitment procedures for the continued detention and treatment of sexually violent offenders following their completion of a prison term for certain sex-related offenses. Before detention and treatment are imposed, the county attorney is required to file a petition for civil commitment. A trial is then conducted to determine if the inmate is a sexually violent predator beyond a reasonable doubt. If the inmate accused of being a sexually violent predator is indigent, the test claim legislation requires counties to provide the indigent with the assistance of counsel and experts necessary to prepare the defense.

On June 25, 1998, the Commission on State Mandates (Commission) adopted a ~~s~~Statement of Decision which approved reimbursement for the following services:

- Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings. (Welf. & Inst. Code, § 6601, ~~subd.~~(i).)
- Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. (Welf. & Inst. Code, § 6601, ~~subd.~~(i).)
- Preparation and filing of the petition for commitment by the county's designated counsel. (Welf. & Inst. Code, § 6601, ~~subd.~~(i).)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. (Welf. & Inst. Code, § 6602.)
- Preparation and attendance by the county's designated counsel and indigent defense counsel at trial. (Welf. & Inst. Code, §§ 6603 and 6604.)

- Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6605, ~~subds. (b) through (d)~~, and 6608, ~~subds. (a) through (d)~~.)
- Retention of necessary experts, investigators, and professionals for preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. (Welf. & Inst. Code, §§ 6603 and 6605, ~~subd. (d)~~.)
- Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

~~Chapters 762 and 763, Statutes of 1995, were enacted on October 11, 1995, and became operative on January 1, 1996. Chapter 4, Statutes of 1996, relating to the transportation and housing of potential sexually violent predators at a secured facility, was enacted as an urgency measure and became operative on January 25, 1996.~~

On November 7, 2006, the voters approved Proposition 83, also known as Jessica's Law, which amended and reenacted several sections of the Welfare and Institutions Code, including sections approved for reimbursement in the *Sexually Violent Predators*, CSM-4509 test claim.

On January 15, 2013, the Department of Finance filed a request for redetermination of the CSM-4509 decision pursuant to Government Code section 17570. A new test claim decision was adopted December 6, 2013, and these parameters and guidelines were amended, as follows, pursuant to that decision.

II. Eligible Claimants

Any ~~County~~ies or ~~city~~ies and ~~county~~ies which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. Period of Reimbursement

~~This amendment is effective beginning with claims filed for the July 1, 2005 through June 30, 2006 period of reimbursement.~~

~~Section 17557 of the Government Code states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed by the County of Los Angeles on May 30, 1996. Therefore, costs incurred for Chapter 762, Statutes of 1995 and Chapter 763, Statutes of 1995, are eligible for reimbursement on or after January 1, 1996. Costs incurred for Chapter 4, Statutes of 1996, regarding transport and secured custody of defendants, are eligible for reimbursement on or after January 25, 1996.~~

~~Actual costs for one fiscal year shall be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to section 17561, subdivision (d)(1) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill.~~

~~If total costs for a given year do not exceed \$200, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.~~

Government Code section 17570(f) provides that a request for adoption of a new test claim decision (mandate redetermination) shall be filed on or before June 30 following a fiscal year in order to establish eligibility for reimbursement or loss of reimbursement for that fiscal year. The request for mandate redetermination was filed on January 15, 2013, establishing eligibility for reimbursement or loss of reimbursement based on a new test claim decision on or after July 1, 2011.

Reimbursement for state-mandated costs may be claimed as follows:

1. Actual costs for one fiscal year shall be included in each claim.
2. Pursuant to Government Code section 17561(d)(1)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.
3. Pursuant to Government Code section 17560(a), a local agency may, by February 15 following the fiscal year in which costs were incurred, file an annual reimbursement claim that details the costs actually incurred for that fiscal year.
4. If revised claiming instructions are issued by the State Controller pursuant to Government Code section 17558(c), between November 15 and February 15, a local agency filing an annual reimbursement claim shall have 120 days following the issuance date of the revised claiming instructions to file a claim. (Gov. Code §17560(b).)
5. If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed except as otherwise allowed by Government Code section 17564(a).
6. There shall be no reimbursement for any period in which the Legislature has suspended the operation of a mandate pursuant to state law.

IV. Reimbursable Activities

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities.

Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, training packets, and declarations. Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct, ~~based upon personal knowledge.~~” and must further comply with the requirements of Code of Civil Procedure section 2015.5. Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with

local, state, and federal government requirements. However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

Claimants may use time studies to support salary and benefit costs when an activity is task-repetitive. Activities that require varying levels of effort are not appropriate for time studies. Time study usage is subject to the review and audit conducted by the State Controller's Office.

For each eligible claimant, ~~all direct and indirect costs of labor, supplies and services, for the following activities only are eligible for reimbursement:~~

- ~~A. Designation by the County Board of Supervisors of the appropriate District Attorney or County Counsel who will be responsible for the sexually violent predator civil commitment proceedings.~~
- ~~1. Development of internal policies and procedures (one time activity).~~
 - ~~2. One time training for each employee who normally works on the sexually violent predator program on the county's internal policies and procedures.~~
- ~~B. The following reimbursable activities must be specifically identified to a defendant:~~
- ~~1. Initial review of reports and records by the county's designated counsel to determine if the county concurs with the state's recommendation. Such activity includes the following:~~
 - ~~a. Secretarial and paralegal services to assist the county's designated counsel; and~~
 - ~~b. Copying and making long distance telephone calls.~~
 - ~~c. Investigator services that are necessary to determine the sufficiency of the factual evidence supporting a petition.~~
 - ~~2. Preparation and filing of the petition for commitment by the county's designated counsel. Such activities include secretarial and paralegal services to assist the county's designated counsel in the preparation and filing of the petition for commitment.~~
 3. 1. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Copying and making long distance telephone calls; and
 - c. Travel.
 - d. Retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing ONLY.

This activity does not include retention of experts, investigators, and professionals for preparation for trial on the issue of whether an individual is a sexually violent predator.

4. ~~Preparation and attendance by the county's designated counsel and indigent defense counsel at pre-trial and trial hearings. Preparation for the pre-trial and trial hearings include the following:~~
 - a. ~~Secretarial, paralegal and investigator services;~~
 - b. ~~Copying and making long distance telephone calls; and~~
 - c. ~~Travel.~~
5. ~~Preparation and attendance by the county's designated counsel and indigent defense counsel at subsequent hearings regarding the condition of the sexually violent predator. Preparation for the subsequent hearings includes the following:~~
 - a. ~~Secretarial, paralegal and investigator services;~~
 - b. ~~Copying and making long distance telephone calls; and~~
 - c. ~~Travel.~~
6. ~~Retention of court approved experts, investigators, and professionals for the indigent defendant in preparation for trial and subsequent hearings regarding the condition of the sexually violent predator. Such activity includes the following:~~
 - a. ~~Copying and long distance telephone calls made by the court approved expert, investigator and/or professional; and~~
 - b. ~~Travel.~~
7. ~~Transportation and housing costs for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator.~~ 2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation ~~and housing~~ costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of ~~housing and~~ transportation, in which case no reimbursement of such costs shall be permitted.

This activity does not include transportation for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial, and does not include housing potential sexually violent predators pending the probable cause hearing or trial.

V. Claim Preparation and Submission

Claims for reimbursement must be timely filed and identify each cost element for which reimbursement is claimed under this mandate. Claimed costs must be identified to each reimbursable activity identified in Section IV of this document.

SUPPORTING DOCUMENTATION

Claimed costs shall be supported by the following cost element information:

A. Direct Costs

~~Direct Costs are defined as costs that can be traced to specific goods, services, units, programs, activities or functions.~~

~~Claimed costs shall be supported by the following cost element information:~~

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursement claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

~~Identify the employee(s), and/or show the classification of the employee(s) involved. Describe the reimbursable activities performed and specify the actual time devoted to each reimbursable activity by each employee, productive hourly rate and related fringe benefits.~~

~~Reimbursement for personal services include compensation paid for salaries, wages and employee fringe benefits. Employee fringe benefits include regular compensation paid to an employee during periods of authorized absences (e.g., annual leave, sick leave) and the employer's contribution of social security, pension plans, insurance and worker's compensation insurance. Fringe benefits are eligible for reimbursement when distributed equitably to all job activities which the employee performs.~~

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

~~Only expenditures that can be identified as a direct cost of this mandate may be claimed. List the cost of the materials and supplies consumed specifically for the purposes of this mandate. Purchases shall be claimed at the actual price after deducting cash discounts, rebates and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged based on a recognized method of costing, consistently applied.~~

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

~~Provide the name(s) of the contractor(s) who performed the services, including any fixed contracts for services. Describe the reimbursable activity(ies) performed by each named contractor and give the number of actual hours spent on the activities, if applicable. Show the~~

~~inclusive dates when services were performed and itemize all costs for those services. Attach consultant invoices to the claim.~~

Report the name of the contractor and services performed to implement the reimbursable activities. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the services that were performed during the period covered by the reimbursement claim. If the contract services are also used for purposes other than the reimbursable activities, only the pro-rata portion of the services used to implement the reimbursable activities can be claimed. Submit contract consultant and attorney invoices with the claim and a description of the contract scope of services.

4. Fixed Assets

~~List the costs of the fixed assets that have been acquired specifically for the purpose of this mandate. If the fixed asset is utilized in some way not directly related to the mandated program, only the pro-rata portion of the asset which is used for the purposes of the mandated program is reimbursable.~~

Report the purchase price paid for fixed assets (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset is also used for purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

~~Travel expenses for mileage, per diem, lodging, and other employee entitlements are eligible for reimbursement in accordance with the rules of the local jurisdiction. Provide the name(s) of the traveler(s), purpose of travel, inclusive dates and times of travel, destination points, and travel costs.~~

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1., Salaries and Benefits, for each applicable reimbursable activity.

6. Training

~~The cost of training an employee to perform the mandated activities is eligible for reimbursement. Identify the employee(s) by name and job classification. Provide the title and subject of the training session, the date(s) attended, and the location. Reimbursable costs may include salaries and benefits, transportation, lodging, per diem, and registration fees.~~

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training

time for each applicable reimbursable activity according to the rules of cost element A.1., Salaries and Benefits, and A.2., Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3., Contracted Services.

B. Indirect Costs

Indirect costs are defined as costs which are incurred for a common or joint purpose, benefiting more than one program and are not directly assignable to a particular department or program without efforts disproportionate to the result achieved. Indirect costs may include both (1) overhead costs of the unit performing the mandate; and (2) the costs of central government services distributed to other departments based on a systematic and rational basis through a cost allocation plan.

Compensation for indirect costs is eligible for reimbursement utilizing the procedure provided in 2 Code of Federal Regulations (CFR) part 225 (Office of Management and Budget (the OMB) Circular A-87. Claimants have the option of using 10% percent of direct labor, excluding fringe benefits, or preparing an Indirect Cost Rate Proposal (ICRP) for the department if the indirect cost rate claimed exceeds 10% percent. ~~If more than one department is claiming indirect costs for the mandated program, each department must have its own ICRP prepared in accordance with OMB A-87. An ICRP must be submitted with the claim when the indirect cost rate exceeds 10%.~~

If the claimant chooses to prepare an ICRP, both the direct costs (as defined and described in 2 CFR part 225, appendices A and B (OMB Circular A-87 attachments A & B) and the indirect costs shall exclude capital expenditures and unallowable costs (as defined and described in 2 CFR part 225, Appendices A and B (OMB Circular A-87 attachments A & B). However, unallowable costs must be included in the direct costs if they represent activities to which indirect costs are properly allocable.

The distribution base may be: (1) total direct costs (excluding capital expenditures and other distorting items, such as pass-through funds, major subcontracts, etc.); (2) direct salaries and wages; or (3) another base which results in an equitable distribution.

In calculating an ICRP, the claimant shall have the choice of one of the following methodologies:

1. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) classifying a department's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate which is used to distribute indirect costs to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected; or
2. The allocation of allowable indirect costs (as defined and described in OMB Circular A-87 attachments A & B) shall be accomplished by: (1) separating a department into groups, such as divisions or sections, and then classifying the division's or section's total costs for the base period as either direct or indirect; and (2) dividing the total allowable indirect costs (net of applicable credits) by an equitable distribution base. The result of this process is an indirect cost rate that is used to distribute indirect costs

to mandates. The rate should be expressed as a percentage which the total amount of allowable indirect costs bears to the base selected.

VI. Record Retention

Pursuant to Government Code section 17558.5, ~~subdivision (a)~~, a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter¹ is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which the claim is filed, the time for the State Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documents used to support the reimbursable activities, as described in Section IV., must be retained during the period subject to audit. If the State Controller has initiated an audit during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

~~VII. Data for Development of a Statewide Cost Estimate~~

~~The State Controller's Office is directed to include in the claiming instructions a request that claimants send an additional copy of the test claim specific form for the initial years' reimbursement claim by mail or facsimile to the Commission on State Mandates, 1300 I Street, Suite 950, Sacramento, California 95814, Facsimile number: (916) 445-0278. Although providing this information to the Commission on State Mandates is not a condition of reimbursement, claimants are encouraged to provide this information to enable the Commission to develop a statewide cost estimate which will be the basis for the Legislature's appropriation for this program.~~

VII. Offsetting Savings Revenues and Other Reimbursements

Any offsetting savings revenue the claimant experiences in the same program as a direct result of the subject mandates same statutes or executive orders found to contain the mandate shall be deducted from the costs claimed. In addition, reimbursement for this mandate ~~received~~ from any source, including but not limited to, service fees collected, federal funds and other state funds shall be identified and deducted from this claim.

~~IX. State Controller's Office Required Certification~~

~~An authorized representative of the claimant shall be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the State contained herein.~~

VIII. State Controller's Claiming Instructions

Pursuant to Government Code section 17558(b), the State Controller shall issue claiming instructions for each mandate that requires state reimbursement not later than 90 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be

¹ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

derived from these parameters and guidelines and the statements of decision on the test claim and parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561(d)(1), issuance of the claiming instructions shall constitute a notice of the right of the local agencies and school districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. Remedies Before the Commission

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the State Controller to modify the claiming instructions and the State Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557(d), and California Code of Regulations, title 2, section 1183.2.

X. Legal and Factual Basis for the Parameters and Guidelines

The statements of decision for the mandate redetermination request and new test claim decision and amendments to parameters and guidelines are legally binding on all parties and provide the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record is on file with the Commission.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

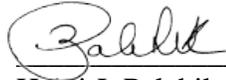
I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 12, 2014, I served the:

Proposed Statement of Decision and Amended Parameters and Guidelines
Mandate Redetermination Request, 12-MR-01 (12-MR-01)
Sexually Violent Predators, CSM-4509
Welfare and Institutions Code Sections 6602
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 12, 2014 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/23/14

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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April 4, 2014

Mr. Tom Dyer
 Department of Finance
 915 L Street
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: **Request for Additional Briefing and Evidence on Costs Pertaining to Housing Potential Sexually Violent Predators**
Sexually Violent Predators, CSM-4509 (12-MR-01)
 Welfare and Institutions Code Sections 6602;
 Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
 California Department of Finance, Requester

Dear Mr. Dyer:

The proposed parameters and guidelines for the *Sexually Violent Predators* program, which were before the Commission at the March 28, 2014 hearing, provided for reimbursement to counties for costs incurred for the county's designated counsel and indigent defense counsel to prepare for and attend a probable cause hearing. In addition, and based in part on evidence in the record introduced by the County of San Diego, the proposed parameters and guidelines provided for reimbursement for investigative costs, and for expert witnesses, as necessary to aid county designated counsel and indigent defense counsel to prepare for the state-mandated probable cause hearing as reasonably necessary activities to perform the mandated program. Finally, the proposed parameters and guidelines provided for transportation of potential sexually violent predators to and from a secured facility pertaining to the state-mandated probable cause hearing.

However, the proposed parameters and guidelines did not provide for reimbursement for housing potential sexually violent predators (SVPs) pending or during the probable cause hearing. The final staff analysis and proposed statement of decision reasoned that because Proposition 83 required a potential SVP to be held in custody pending trial, and because the state-mandated probable cause hearing occurs at some time prior to trial, there is no higher level of service or incremental increase in costs inherent in holding a potential SVP in custody pending the probable cause hearing. Although County of San Diego did submit comments requesting reimbursement for housing a potential SVP pending or during the probable cause hearing, Commission staff did not find that those comments adequately demonstrated that housing for this purpose imposes a higher level of service than housing while awaiting trial and therefore staff did not identify an incremental increase in service or costs attributable to housing a potential SVP pending a probable cause hearing.

Moreover, the new test claim decision adopted by the Commission at the December 6, 2013 expressly struck reimbursement for housing from the previously approved activity, as follows:

Therefore, the following activities are required as modified, only for probable cause hearings:

¶...¶

Activity 8 – Transportation and housing for each potential sexually violent predator from at a secured facility to the probable cause hearing while the

~~individual awaits trial~~ on the issue of whether he or she is a sexually violent predator. (Welf. & Inst. Code, § 6602.)

And, the new test claim decision expressly denied reimbursement, pursuant to section 17556(f) for “[t]ransportation and housing for each potential sexually violent predator at a secured facility *while the individual awaits trial* on the issue of whether he or she is a sexually violent predator,” on the theory that these activities were necessary to complete the trial required before commitment under the Sexually Violent Predator law, and thus necessary to implement Proposition 83.

The day before the March 28, 2014 hearing on this matter, Timothy Barry, representing the County of San Diego, contacted Commission staff to clarify whether the reasoning for denying housing while awaiting the probable cause hearing was properly supported by an *express denial* of housing costs pending or during a probable cause hearing in the new test claim decision, or whether the finding was based only on the decision’s silence on the question of housing pending a probable cause hearing. At the hearing, Craig Osaki, on behalf of the County of Los Angeles, and Timothy Barry, on behalf of the County of San Diego, introduced argument and evidence pertaining to costs of housing potential SVPs pending or during the probable cause hearing.

Specifically, Mr. Osaki explained on the record that the stay in county custody prior to a probable cause hearing is separable from the later period of time in county custody pending trial. Mr. Osaki indicated that a potential SVP might, in some cases, be returned to state custody between the probable cause hearing and the trial. In light of those comments, staff recommended that the Commission not adopt the proposed parameters and guidelines as written, but allow staff to reexamine the evidence, and solicit further briefing on the issues raised. The Commission decided to postpone its decision on the parameters and guidelines and directed staff to request additional information and briefing on the issue of whether the activities and costs associated with housing a potential SVP pending a probable cause hearing impose a higher level of service (i.e. require housing the potential SVP for a longer duration or require a separate stay in county custody, as suggested at the hearing) than would be required to house the same individual pending trial.

Commission staff therefore requests the parties and interested parties to submit additional briefing and evidence on whether activities and costs pertaining to housing potential SVPs, pending or during a probable cause hearing, impose a higher level of service than that required to house the potential SVP during trial and, if so, to specifically isolate those activities and costs that do not pertain to the eventual conduct of an SVP trial.

Written Comments

As requested, the additional briefing and evidence may be filed by **April 18, 2014**. You are advised that comments filed with the Commission are required to be simultaneously served on the other interested parties on the mailing list, and to be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents. Please see <http://www.csm.ca.gov/dropbox.shtml> on the Commission’s website for instructions on electronic filing. (Cal. Code Regs., tit. 2, § 1181.2.)

If you would like to request an extension of time to file comments, please refer to section 1183.01(c)(1) of the Commission’s regulations.

Mr. Tom Dyer
April 4, 2014
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Hearing

This matter is set for hearing on **May 30, 2014**, at 10:00 a.m., State Capitol, Room 447, Sacramento, California. The final staff analysis will be issued on or about May 16, 2014. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01(c)(2) of the Commission's regulations.

Please contact Matt Jones at (916) 323-3562 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Halsey", written in a cursive style.

Heather Halsey
Executive Director

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 4, 2014, I served the:

Request for Additional Briefing and Evidence on Costs Pertaining to Housing Potential Sexually Violent Predators

Sexually Violent Predators, CSM-4509 (12-MR-01)

Welfare and Institutions Code Sections 6602;

Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 4, 2014 at Sacramento, California.



Heidi J. Palchik
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/4/14

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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PUBLIC MEETING

COMMISSION ON STATE MANDATES



TIME: 10:00 a.m.

DATE: Friday, March 28, 2014

PLACE: State Capitol, Room 447
Sacramento, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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ERAINA ORTEGA
(Commission Chair)
Representative for MICHAEL COHEN, Director
Department of Finance

KEN ALEX
Director
Office of Planning & Research

RICHARD CHIVARO
Representative for JOHN CHIANG
State Controller

SARAH OLSEN
Public Member

M. CARMEN RAMIREZ
Oxnard City Council Member

ANDRÉ RIVERA
Representative for BILL LOCKYER
State Treasurer

DON SAYLOR
Yolo County Supervisor
Local Agency Member



COMMISSION STAFF PRESENT

HEATHER A. HALSEY
Executive Director
(Items 2, 3, 16, and 19)

JASON HONE
Assistant Executive Director
(Item 8)

A P P E A R A N C E S

PARTICIPATING COMMISSION STAFF

continued

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Chief Legal Counsel
(Item 18)

TYLER ASMUNDSON
Senior Commission Counsel
(Item 3)

GINY CHANDLER
Senior Commission Counsel
(Item 4)

MATTHEW B. JONES
Commission Counsel
(Item 6)



PUBLIC TESTIMONY

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For Claimant Los Angeles Unified School District

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A P P E A R A N C E S

PUBLIC TESTIMONY

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KATHY LYNCH
Department of Finance

Appearing Re Item 6:

For Requestor Department of Finance

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A P P E A R A N C E S

PUBLIC TESTIMONY

Appearing Re Item 6: *continued*

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CRAIG OSAKI
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1 MS. HALSEY: Ms. Olsen?

2 MEMBER OLSEN: Aye.

3 MS. HALSEY: Ms. Ortega?

4 CHAIR ORTEGA: Aye.

5 MS. HALSEY: Ms. Ramirez?

6 MEMBER RAMIREZ: Aye.

7 MS. HALSEY: Mr. Rivera?

8 MEMBER RIVERA: Aye.

9 MS. HALSEY: Mr. Saylor?

10 *(No response.)*

11 MS. HALSEY: The motion carries.

12 Item 5 was postponed to May, the May hearing.

13 Item 6, Commission Counsel Matt Jones will
14 present a parameters and guidelines amendment on *Sexually*
15 *Violent Predators*.

16 MR. JONES: Good morning. This is Item 6,
17 *Sexually Violent Predators* parameters and guidelines.

18 These parameters and guidelines pertain to the
19 new test-claim decision adopted for the *Sexually Violent*
20 *Predators* mandate.

21 The proposed parameters and guidelines are
22 effective July 1, 2011, pursuant to the filing date of
23 the redetermination request, and provide for the ending
24 of reimbursement for six of eight activities approved
25 in the prior test-claim decision, and continuing

1 reimbursement for activities related to the preparation
2 of both county counsel and indigent defense counsel for
3 the state-mandated probable-cause hearing, and
4 transportation costs related to the state-mandated
5 probable-cause hearing.

6 Yesterday, representatives from the County of
7 San Diego contacted staff to raise an issue regarding
8 costs of housing of potentially sexually violent
9 predators pending or during the state-mandated
10 probable-cause hearing.

11 Staff explored this issue and determined that
12 while the Commission expressly struck reimbursement for
13 housing of potential sexually violent predators awaiting
14 trial, the findings did not specifically and expressly
15 address housing costs pending the probable-cause hearing.
16 And, therefore, the statement of decision will require a
17 clarification before adoption.

18 Staff would be pleased to answer questions
19 following testimony from the parties.

20 Will the parties and witnesses please state
21 your names for the record?

22 MR. BARRY: Timothy Barry, Office of County
23 Counsel, on behalf of the San Diego County District
24 Attorney's office, Probation Department, and Sheriff.

25 MS. YAGHOBYAN: Hasmik Yaghobyan on behalf of

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1 County of Los Angeles.

2 MR. OSAKI: Craig Osaki with the L.A. County
3 Public Defender's Office.

4 MR. SCOTT: Lee Scott, Department of Finance.

5 MR. BYRNE: Michael Byrne, Department of
6 Finance.

7 CHAIR ORTEGA: Okay, Mr. Barry?

8 MR. BARRY: Thank you.

9 In preparing for the hearing, I realized
10 yesterday, in reading over both the executive summary and
11 the proposed statement of decision, that in reading the
12 last two sentences on page 4 of the executive summary and
13 the last two sentences on page 10 of the statement of
14 decision, under section I, small I, which reads: The
15 Commission's findings state expressly that the approved
16 activity of transportation between the courthouse and
17 a secure facility for probable-cause hearings, quote,
18 "does not include housing potentially sexually violent
19 predators pending the probable-cause hearing or trial."

20 And then it cites a footnote to Exhibit E,
21 which is the new test-claim statement of decision at
22 page 55. When we went back and looked at page 55, the
23 quoted language does not appear there. And so I raised
24 that question with staff yesterday.

25 Now, the reason that's important is because

1 the next sentence within both the executive summary
2 and the proposed statement of decision says that
3 determination is final and no longer subject to
4 reconsideration; and, therefore, costs pertaining to
5 housing a potentially sexually violent predator are not
6 reimbursable in these parameters and guidelines.

7 Well, it's our position because the statement
8 of decision is, in fact, silent with respect to the
9 housing of sexually violent predators, that that is not
10 an issue that was previously decided by the Commission,
11 or certainly not expressly decided by the Commission.
12 So it's an appropriate subject matter for the discussion
13 today.

14 We have actually filed declarations in our
15 comments with respect to the housing costs that the
16 Sheriff incurs for housing the sexually violent predators
17 from the time that they're brought from state prison to
18 the county facilities through the actual trial.

19 In staff's comments in the actual statement of
20 decision, there is comment about -- and I'll read it:
21 However, whether or not the probable cause hearing is
22 held, the, quote, "stay in San Diego County," end quote,
23 for which the county seeks reimbursement ultimately
24 concludes with the SVP trial which the Commission has
25 determined is no longer reimbursable. The county

1 fails to allege an incremental increase in service or
2 costs that is required to house an inmate pending a
3 probable-cause hearing over and above that required to
4 house the same person only for trial.

5 So if there was any certainty with respect to
6 those costs, we actually allege what our daily costs
7 are, we can identify the period of time frame from when
8 they're brought to the county facilities through and
9 including the conclusion of the probable-cause hearing.

10 We understand that for the purposes of our
11 discussion today, the Commission has already decided that
12 the housing costs and other costs relating to trial are
13 not reimbursable. But with respect to the housing costs,
14 we believe those are something that should -- with
15 respect to the probable-cause hearing, those are
16 something that should be reimbursable.

17 The staff recommendation is that the costs for
18 transportation to the probable-cause hearing be
19 reimbursable; that the preparation of the attorneys for
20 the probable-cause hearing be reimbursable; that the
21 retention of professionals, investigators, and experts
22 for the probable-cause hearing be reimbursable. And we
23 see no reason why the housing costs relating to the
24 probable-cause hearing should not also continue to be
25 reimbursable.

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1 Mr. Osaki is here from the Los Angeles County's
2 Public Defender's Office who, in fact, if there is any
3 confusion with respect to how it actually works in
4 practice, I think he can address that issue with respect
5 to how things work in Los Angeles County.

6 MS. YAGHOBYAN: Thank you.

7 Just to add one point, not repeating what
8 Mr. Barry said; the problem with housing is like
9 sometimes these probable-cause hearings take, if not
10 years, it take months. And these inmates have to be
11 housed in the L.A. County Sheriff's Department jail
12 facility. So who is responsible for that cost?

13 So we are not talking about a small cost
14 related with the probable-cause hearing. This is a
15 huge cost. For L.A. County only, it is like almost
16 \$600,000 a year.

17 So like Mr. Barry said, if you are allowing
18 all those activities for probable-cause hearing, how
19 about the housing? So we believe the housing should be
20 reimbursable, too, for the probable-cause hearing which,
21 like I said -- and some inmates sometimes have more than
22 one probable-cause hearing. They go through one, they go
23 through the second one. And the whole time, they have to
24 be jailed in the L.A. County Sheriff's facilities. So we
25 think that that should be reimbursable, too, the housing

1 costs while, for a probable-cause hearing, they are
2 waiting.

3 MR. OSAKI: Members of the Commission and
4 Staff, my name is Craig Osaki. I'm the deputy in charge
5 of the L.A. County Public Defender's office SVP Branch.
6 I'm here today to just speak to two issues.

7 First, I want to thank the Commission staff for
8 its inclusion of costs related to necessary experts and
9 professionals for the probable-cause hearing. Experts
10 are a necessary part of our practice, and we would not
11 be competent without access to such services. So thank
12 you for that.

13 Second, I want to address this housing issue;
14 and I want to provide a little bit of background so that
15 you understand what happens to an individual from state
16 prison, and as they go through the SVP process.

17 When I read the statement of decision, I
18 thought that there may have been an assumption that the
19 person remains in county jail from the time they come
20 from state prison, all the way to the SVP trial. And
21 that just happens not to be the case.

22 What happens is that the individual subject to
23 the SVP petition is transported from state prison to the
24 county jail, and there he remains for perhaps several
25 months, until we prepare for the probable-cause hearing.

1 Now, there is a statutory provision that
2 indicates that he does have a right to have this hearing
3 within ten days; but because of the complexities of the
4 case, it just almost never happens.

5 Now, once the probable cause is found by the
6 Court, the individual is generally transported to the
7 state hospital.

8 Now, the authority for this proposition is
9 Welfare and Institutions Code 6602.5, and the case of
10 *People versus Ciancio*. It's a 2003 California Appellate
11 Court decision -- Ciancio being C-I-A-N-C-I-O --
12 109 Cal.App.4th 175.

13 The individual will remain at the hospital
14 until such time the attorney is ready to proceed to
15 trial, whereupon the individual is then transferred back
16 to county jail to await his trial.

17 Now, since the costs associated with the
18 probable-cause hearing has been found to be reimbursable
19 but not the costs associated with the trial, so according
20 to the Commission's analysis, it would just seem
21 appropriate that the individual's first day at the
22 county jail prior to the probable-cause hearing would be
23 reimbursable, and then perhaps his second stay pending
24 trial perhaps would not be under that analysis.

25 But thank you for your time and attention.

1 I'd be happy to answer any questions.

2 CHAIR ORTEGA: Finance?

3 MR. BYRNE: The housing issue, this is the
4 first we've heard of it when we got here this morning.
5 We haven't had a chance to analyze it or even take a look
6 at it.

7 The Governor's budget, which was heard on the
8 Assembly and Senate this week, includes funding for the
9 Activity 4 and Activity 8. And so I don't know if that
10 money is adequate to fund the housing. I don't know if
11 the housing issue is going to be sustained by the
12 Commission. And I kind of -- I look toward the staff
13 for direction here. The process is on its way; and,
14 you know, we really don't have any comment.

15 CHAIR ORTEGA: Okay, thank you.

16 Go ahead.

17 MR. JONES: First, let me say that Mr. Osaki
18 is correct, that my assumption in writing this analysis
19 was, indeed, that the potential SVP would remain in
20 county custody for the entire time pending trial. And
21 there was perhaps -- I don't want to say there was
22 nothing in the record to indicate otherwise; but there
23 wasn't enough in the record to indicate otherwise, to
24 clue me into the idea that we were talking about two
25 separate stays in county custody. And given that, I

1 think we probably -- I think we'd recommend that this --
2 well, the current statement of decision is probably not
3 correct then, and the parameters and guidelines.

4 MS. SHELTON: I was going to say, it needs to
5 be analyzed. Finance has not had the opportunity to talk
6 about it, think about it, and respond to that.

7 You know, all the declarations to this point,
8 as Matt indicated, there was a touch of housing
9 discussion in there, but it wasn't fleshed out. Most of
10 the arguments were really seeking reimbursement for, you
11 know, preparation of the probable-cause hearing.

12 I think it is a valid issue. And it sounds
13 like there's a lot of costs tied to that one particular
14 element. So it might be worth having further discussions
15 and briefing on the issue.

16 CHAIR ORTEGA: Can I ask Mr. Osaki a question?
17 What happens if there isn't space in the state
18 hospital?

19 MR. OSAKI: You know, actually, that just
20 hasn't been the case.

21 What's been unusual is that, from what I'm
22 aware of, the Coalinga State Hospital had been one of the
23 more underutilized state hospitals. And, in fact, they
24 were taking in not only just SVP individuals, but I
25 believe the Department of State Hospitals was also

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1 starting to transfer in like MDOs, mentally disordered
2 offenders, and other people just to kind of fill it up a
3 little bit.

4 So we have never -- I don't believe they've
5 ever dealt with an issue of overcrowding at that state
6 hospital.

7 CHAIR ORTEGA: Okay.

8 MR. BARRY: May I comment, please?

9 CHAIR ORTEGA: Yes.

10 MR. BARRY: In the comments that we filed with
11 the Commission with respect to the proposed parameters
12 and guidelines at page 3, I dedicated an entire page to
13 the process and the costs related to housing inmates; and
14 we also submitted a declaration, which is Attachment B,
15 from John Ingrassia, who is with the Sheriff's Department
16 and in charge of the housing of these SVP prisoners
17 during the course and time that they're at San Diego
18 County facilities.

19 So there is information in the record with
20 respect to those costs and what those costs consist of.
21 And it seems that perhaps if we had a motion to adopt
22 the proposed parameters and guidelines with an amendment
23 to include housing costs through and including the
24 conclusion of the probable-cause hearing, subject to
25 continuing that for 30 days or two months, to allow

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1 Finance to comment, if they deem it appropriate, then if
2 we need to come back at some point in time, we could do
3 that.

4 CHAIR ORTEGA: Yes, I mean, I would rather just
5 postpone the decision, the action today, and give Finance
6 a chance to respond and staff a chance to analyze further
7 this discussion, and then bring the..

8 MS. SHELTON: As Matt indicated, I think the
9 way the decision was written was based on two assumptions
10 that were not correct. So, you know, regardless, the
11 first one has to be changed and modified; and the second
12 was based on an assumption of fact that is different than
13 what Mr. Osaki was indicating.

14 So it would need to be rewritten, definitely,
15 on that part.

16 CHAIR ORTEGA: Okay, so procedurally, do we
17 need a motion to postpone, or can we just...?

18 MS. SHELTON: Today you can all agree to
19 postpone it.

20 CHAIR ORTEGA: Is there any objection to
21 postponing action on this item to a future hearing?

22 *(No response)*

23 CHAIR ORTEGA: Seeing none, that will be the
24 action.

25 Thank you, everyone.



County of San Diego

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April 25, 2014

Ms. Heather Halsey
Executive Director
California Commission on State Mandates
900 Ninth Street, Suite 300
Sacramento, CA 95814

Re: County of San Diego’s Comments in Response to Request for Additional Briefing and Evidence on Costs Pertaining to Housing Potential Sexually Violent Predators
Mandate Redetermination Request 12-MR-01
Sexually Violent Predators, (CSM 4509)
Welfare and Institutions Code Sections 6601 through 6608
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763;
Statutes 1996, Chapter 4
Requestor: California Department of Finance

Dear Ms. Halsey:

The County of San Diego, on behalf of the San Diego County Office of the Public Defender, the San Diego District Attorney’s Office and the San Diego County Sheriff (collectively referred to as the “County”), hereby submits the following comments in response to your Request for Additional Briefing and Evidence on Costs Pertaining to Housing Potential Sexually Violent Predators filed April 4, 2014.

Costs Related to the Housing of Each Potential Sexually Violent Predator during the Probable Cause Hearing Should Continue to be Reimbursable.

Prior to the Probable Cause hearing, inmates are transported from the State facilities where they are incarcerated to San Diego County for the hearing and they generally remain in the Sheriff’s custody through the conclusion of the probable cause hearing. If the court makes a finding that there is probable cause to hold a trial on the issue of whether an inmate is an SVP, the inmate generally will be returned to either the State Hospital or sent back to the State facility where they were incarcerated. (Ruiz Decl.

¶ 7.) In some instances, inmates may also remain in the Sheriff's custody after the probable cause hearing through trial. (*Id.*)

Inmates that are the subject of the SVP proceedings are housed by the California Department of Corrections and Rehabilitation at facilities throughout the state as far east as Calipatria and as far north as Coalinga. (Ingrassia Decl. ¶ 6.) When these inmates arrive in San Diego County for their SVP proceeding, they are generally brought to the San Diego Central Jail, processed and then transferred to and housed at the George Bailey Detention Facility in Otay Mesa. (Ingrassia Decl. ¶ 7.)

The Sheriff is responsible for housing these inmates for the duration of their stay in San Diego County, which often lasts several months. (Ingrassia Decl. ¶ 8.) Attached to the Declaration of Michael Ruiz as Exhibit 1, submitted herewith, is a representative sampling of inmates who have been in the Sheriff's custody pending their Probable Cause hearings. As evidenced by Exhibit 1, inmates are housed, on average, 120 days from the date of their booking into County jail to the commencement of the Probable Cause Hearing. (Ingrassia Decl. ¶ 10; Ruiz Decl. ¶ 6.)

The cost to house an inmate, which includes, among other things, the cost to process and intake an inmate, provide medical exams, staffing, utilities, and food varies between an average cost of \$107.50 per day at the George Bailey Correctional Facility to \$159.24 per day at the Central Jail. The State has previously reimbursed the Sheriff for the cost to house these inmates at the rate of \$71.87. (Ingrassia Decl. ¶ 11.)

Using the actual average cost, the average cost incurred by the Sheriff to house each inmate pending his probable cause hearing is between \$12,900 and \$19,108.80. These costs are exclusive of and in addition to the costs of housing inmates pending trial. (Ingrassia Decl. ¶ 12.)

Housing inmates for their probable cause hearings is a vital and necessary component to carrying out the balance of the mandated activities required by Welfare & Institutions Code ("W&I") sections 6600 through 6608 and should continue to be reimbursable. As a result of the provisions of W&I Code section 6602 requiring a probable cause hearing, alleged SVPs are either required to be transported and housed by the Sheriff two different times, once for the Probable Cause hearing, and once for the actual trial, or the alleged SVP remains in the custody of the Sheriff for an extended period of time, that would not have been necessary but for the Probable Cause hearing requirement. (Ruiz Decl. ¶ 9.)

Conclusion

For the reasons set forth above, the reimbursable activities identified in the draft expedited amendment to parameters and guidelines should be amended to read as follows:

For each eligible claimant, the following activities only are eligible for reimbursement:

1. Preparation and attendance by the county's designated counsel and indigent defense counsel at the probable cause hearing. Preparation for the probable cause hearing includes, the following:
 - a. Secretarial, paralegal and investigator services;
 - b. Retention of necessary experts, investigators, and professionals for preparation for the probable cause hearing regarding the condition of the sexually violent predator.
 - c. Copying and making long distance telephone calls; and
 - d. Travel.
2. Transportation for each potential sexually violent predator between the designated secured housing facility and the court only for purposes of a probable cause hearing. Counties shall be entitled to reimbursement for such transportation and housing costs, regardless of whether the secured facility is a state facility or county facility, except in those circumstances when the State has directly borne the costs of housing and transportation, in which case no reimbursement of such costs shall be permitted.

This activity does not include transportation and housing for purposes other than the probable cause hearing for potential sexually violent predators awaiting trial; ~~and does not include housing potential sexually violent predators pending the probable cause hearing or trial.~~

Declaration

I, Timothy Barry declare that I am employed as a Senior Deputy County Counsel for the County of San Diego; that I am familiar with the facts and issues presented in this matter; and that I am authorized to make this declaration on behalf of the County of San Diego.

Ms. Halsey

-4-

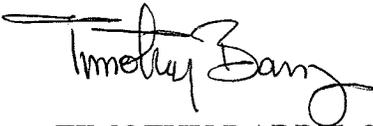
April 25, 2014

I further certify under penalty of perjury that the facts set forth in the foregoing comments and the attachment hereto are true and correct to the best of my own knowledge except as to matters stated on information and belief and as to those matters, I believe them to be true.

Executed this 25th day of April, 2014, in San Diego, California.

Very truly yours,

THOMAS E. MONTGOMERY, County Counsel

By 
TIMOTHY BARRY, Senior Deputy

TMB:nb
13-90066

cc: Mr. Michael Ruiz
Mr. John Rice
Mr. Ronald Lane

ATTACHMENT A

DECLARATION OF MICHAEL F. RUIZ IN SUPPORT OF COUNTY OF SAN DIEGO'S COMMENTS IN RESPONSE TO REQUEST FOR ADDITIONAL BRIEFING AND EVIDENCE ON COSTS PERTAINING TO HOUSING POTENTIAL SEXUALLY VIOLENT PREDATORS

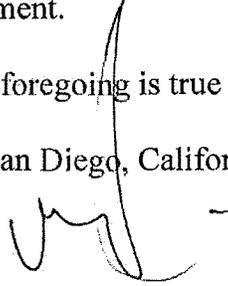
I, Michael F. Ruiz, declare as follows:

1. I make this declaration based on my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify herein, I could and would competently testify to the following.
2. I am an attorney authorized to practice law in the State of California. I am employed as a Deputy Public Defender IV by the County of San Diego Department of Public Defender.
3. My employment responsibilities include litigating cases pursuant to Welfare & Institutions Code ("W&I Code") sections 6600 *et. seq.*, at all stages of the proceedings.
4. Our office represents individuals as respondent (defense) counsel at probable cause hearings held pursuant to W&I Code section 6602 and at the trials of such individuals and any subsequent hearings held pursuant to W&I Code sections 6603, 6604, 6605 and 6608, which may also require a separate probable cause hearing independent of the original commitment hearing.
5. I am informed that Commission staff has requested "additional briefing and evidence on whether activities and costs pertaining to housing potential SVPs pending or during a probable cause hearing, imposes a higher level of service than that required to house the potential SVP during trial and, if so, to specifically isolate those activities and costs that do not pertain to the eventual conduct of an SVP trial." This declaration is submitted in response to that request.
6. Attached to this declaration as Exhibit 1 is a representative sample of inmates that have had SVP Probable Cause hearings in San Diego Superior Court since January 1, 2011. The booking date information was obtained from the Sheriff's department and I believe that information to be accurate. As demonstrated on Exhibit 1, the average number of days in the custody of the San Diego County Sheriff prior to the commencement of the inmate's Probable Cause hearing is 120 days.
7. Generally, the alleged SVP is returned to Coalinga State Hospital after the probable cause determination, but often there are occasions when the alleged SVP will remain in the custody of the Sheriff, pending trial.
8. When the alleged SVP remains in the custody of the Sheriff, the average number of days in the custody of the Sheriff increases significantly because the actual trial may not occur for many months after the Probable Cause hearing.

9. As a result of the provisions of W&I Code section 6602 requiring a probable cause hearing, alleged SVPs are either required to be transported and housed by the Sheriff two different times, once for the Probable Cause hearing and once for the actual trial, or the alleged SVP remains in the custody of the Sheriff for an extended period of time that would not have been necessary but for the probable cause hearing requirement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of April, 2014 at San Diego, California.



MICHAEL F. RUIZ

EXHIBIT "1"

<u>Inmate</u>	<u>Booking Date</u>	<u>SVP Probable Cause Hearing</u>	<u>Days in Cust. Prior to PC Hrg.</u>	<u>Return Location</u>
John C.	02/22/2012	04/27/2012	65	Coalinga
George C.	10/28/2012	02/27/2011	123	Released
Steven D.	04/18/2011	06/07/2011	51	Coalinga
Gary D.	10/11/2012	03/07/2013	127	Coalinga
Steven D.	05/09/2012	07/09/2012	62	Coalinga
Daniel H.	07/07/2011	11/21/2011	137	Coalinga
Mark M.	05/24/2011	09/12/2011	112	Coalinga
Alfredo M.	02/16/2011	05/02/2011	76	Paroled
Michael P.	07/30/2010	02/15/2011	201	Coalinga
Donald P.	08/17/2011	11/08/2011	84	Coalinga
Alvin Q.	11/07/2013	12/19/2013	43	Coalinga
Jesus R.	07/14/2010	05/13/2011	304	Cal. Inst. for Men
Paul R.	10/17/2008	04/25/2011	191	Coalinga
Simon S.	02/24/2011	06/06/2011	103	Coalinga

Average Number of Days in Custody Prior to Probable Cause Hearing = 120 days

ATTACHMENT B

DECLARATION OF JOHN INGRASSIA IN SUPPORT OF COUNTY OF SAN DIEGO'S COMMENTS IN RESPONSE TO REQUEST FOR ADDITIONAL BRIEFING AND EVIDENCE ON COSTS PERTAINING TO HOUSING POTENTIAL SEXUALLY VIOLENT PREDATORS

I, John Ingrassia, declare as follows:

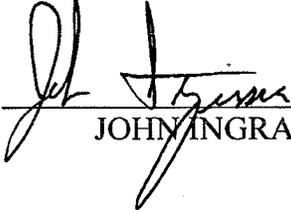
1. I make this declaration based on my own personal knowledge, except for matters set forth herein on information and belief, and as to those matters I believe them to be true, and if called upon to testify herein, I could and would competently testify to the following.
2. I am employed by the San Diego County Sheriff's Department. I have been employed by the San Diego County Sheriff as a public safety officer for twenty-four years. I have held the rank of Commander since April 2008. I am currently the Commander in charge of Area 2 for the Sheriff's Detention Services Bureau.
3. My employment responsibilities include management and supervision of four of the Department's seven detention facilities, as well as the Prisoner Transportation Detail, Jail Population Management Unit and Detentions Investigations Unit.
4. Our office is responsible for transporting and housing inmates who are the subject of civil proceedings to determine whether there is a serious and well-founded risk that the inmate will commit another sexually violent predatory offense unless he is treated in a confined setting in the custody of the Department of State Hospitals.
5. This includes the obligation to transport and house inmates for probable cause hearings prior to the actual trial on the merits of the case.
6. The inmates that are the subject of the SVP proceedings are housed by the California Department of Corrections and Rehabilitation at facilities throughout the state as far east as Calipatria and as far north as Coalinga.
7. When these inmates arrive in San Diego County for their SVP proceeding, they are generally brought to the San Diego Central Jail, processed and then transferred to and housed at the George Bailey Detention Facility in Otay Mesa.
8. The Sheriff is responsible for housing these inmates for the duration of their stay in San Diego County, which often lasts several months.
9. I am informed that Commission staff has requested 'additional briefing and evidence on whether activities and costs pertaining to housing potential SVPs pending or during a probable cause hearing, imposes a higher level of service than that required to house the potential SVP during trial and, if so, to specifically isolate those activities and costs that do not pertain to the eventual

conduct of an SVP trial.' This declaration is submitted in response to that request.

10. Attached to the declaration of Michael Ruiz as Exhibit 1, which is submitted herewith, is a representative sample of inmates that have had SVP Probable Cause hearings in San Diego Superior Court since January 1, 2011. The dates for the Probable Cause hearings were confirmed by the Public Defender's office and I believe that information to be accurate. As demonstrated on Exhibit 1, the average number of days in the custody of the San Diego County Sheriff prior to the commencement of the inmate's Probable Cause hearing is 120 days.
11. The cost to house an inmate, which includes, among other things, the cost to process and intake an inmate, provide medical exams, staffing, utilities, and food varies between an average cost of \$107.50 per day at the George Bailey Detention Facility to \$159.24 per day at the Central Jail. The State has previously reimbursed the Sheriff for the cost to house these inmates at the rate of \$71.87.
12. Assuming that each inmate is in our custody for on average 120 days prior to the Probable Cause hearing, the cost to house each inmate ranges from approximately \$12,900 to \$19,108.80. These housing costs are separate, apart, and in addition to the housing costs for each inmate prior to the actual trial on the merits of the petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of April, 2014 at San Diego, California.



JOHN INGRASSIA

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

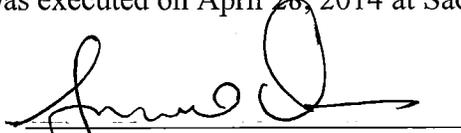
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 28, 2014, I served the:

County of San Diego Comments and County of Los Angeles Comments
Sexually Violent Predators, CSM-4509 (12-MR-01)
Welfare and Institutions Code Sections 6602;
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 28, 2014 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/17/14

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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Exhibit M

RECEIVED
April 28, 2014
**Commission on
State Mandates**

April 25, 2014

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Halsey:

**LOS ANGELES COUNTY'S COMMENTS ON THE COMMISSION ON STATE
MANDATES' REQUEST FOR ADDITIONAL BRIEFING AND EVIDENCE
ON COSTS PERTAINING TO HOUSING POTENTIAL
SEXUALLY VIOLENT PREDATORS**

The County of Los Angeles respectfully submits the declaration of Mr. Craig Osaki, Public Defender's Office, in response to the Commission on State Mandates' Request for Additional Briefing and Evidence on Costs Pertaining to Housing Sexually Violent Predators issued on April 4, 2014.

Pursuant to Section 1181.2, subd. (c)(1)(E) Of the California Code of Regulations, "Documents e-filed with the Commission need not be otherwise served on the persons that have provided an e-mail address for the mailing list."

If you have any questions, please contact Hasmik Yaghobyan at (213) 974-9653 or hyaghobyan@auditor.lacounty.gov.

Very truly yours,

John Naimo
Acting Auditor-Controller

JN:RGC:CY:EJ:hy
H:\SB90\CSM's Extensions\SVP Comments 4-25-14.doc

Attachment



**LAW OFFICES OF THE
LOS ANGELES COUNTY PUBLIC DEFENDER**
9425 Penfield Avenue, Suite 2700
Chatsworth, CA 91311
(818) 576-8850

RONALD L. BROWN
PUBLIC DEFENDER

April 14, 2014

**DECLARATION OF CRAIG OSAKI
IN SUPPORT OF LOS ANGELES COUNTY COMMENTS ON HOUSING COSTS**

I, Craig Osaki, declare as follows:

1. I am an attorney authorized to practice law in the State of California. I am employed as a Deputy Public Defender by the Los Angeles County Public Defender's Office. I am currently the Deputy-In-Charge of the Sexually Violent Predator (SVP) Branch.
2. My employment responsibilities include litigating cases pursuant to Welfare & Institutions Code (W&I Code) section 6600 et.seq. at all stages of the proceedings. I am also responsible for the training of the lawyers in the SVP Branch and the administration of the Chatsworth location of the SVP Branch.
3. I have also conducted several trainings with the California Public Defender's Association (CPDA) and the L.A. County Bar Association on SVP litigation.
4. I presented arguments on behalf of the Los Angeles County Public Defender's Office at the March 28, 2014 Commission on State Mandates hearing regarding the proposed Parameters and Guidelines for the Sexually Violent Predator Program.
5. During the course of the Hearing, the Commission staff appeared to base its recommendation on the assumption that the potential S.V.P. is held in the local county jail from the time the person is transferred from state prison until he is committed to the State Hospital at trial.
6. This assumption is not correct in all cases.
7. Welfare and Institutions Code Section 6602.5(a) provides that "No person may be placed in a state hospital pursuant to the provisions of this article until there has been a probable cause determination pursuant to Section 6601.3 or 6602 that there

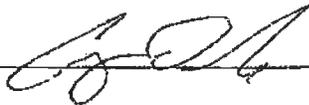
"To Enrich Lives Through Effective and Caring Service"

is probable cause to believe that the individual named in the petition is likely to engage in sexually violent predatory criminal behavior.”

8. Further, Welfare and Institutions Code Section 6600.05 (a) states that “Coalinga State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment pursuant to this article...”
9. Also, in the case of People v. Ciancio (2003) 109 Cal.App.4th 175, the Court construed Section 6602.5 to permit an alleged SVP to be placed in the State Hospital after the probable cause hearing determination.
10. In Los Angeles County, the general practice of the Court is to transfer the alleged SVP to Coalinga State Hospital after the probable cause determination (pursuant to Welfare and Institutions Code Section 6602.5 and the Ciancio decision.) Rarely does an individual remain in County jail until trial.
11. When the parties are ready for trial, the alleged SVP is ordered back to Los Angeles County Jail from Coalinga State Hospital. He is housed there temporarily while the trial proceedings commence.

I declare under penalty of perjury that the foregoing is true and correct

Executed this 4th day of April, 2014 at Chatsworth, California



CRAIG OSAKI

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

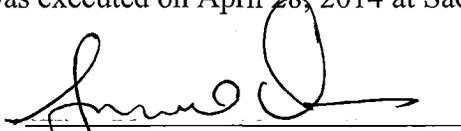
I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 28, 2014, I served the:

County of San Diego Comments and County of Los Angeles Comments
Sexually Violent Predators, CSM-4509 (12-MR-01)
Welfare and Institutions Code Sections 6602;
Statutes 1995, Chapter 762; Statutes 1995, Chapter 763; Statutes 1996, Chapter 4
California Department of Finance, Requester

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 28, 2014 at Sacramento, California.


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Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/17/14

Claim Number: CSM-4509 (12-MR-01)

Matter: Sexually Violent Predators

Requester: Department of Finance

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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