

ITEM 19
FINAL STAFF ANALYSIS
DISMISSAL OF TEST CLAIM

Penal Code Section 273.75
Statutes 2001, Chapter 572 (SB 66)
Domestic Violence Defendant Investigation
04-TC-04
County of San Bernardino, Claimant

Executive Summary

On July 11, 2007, the County of San Bernardino requested withdrawal of the test claim filing on *Domestic Violence Defendant Investigation* (04-TC-04).¹ Claimant's request was served in writing, and a sixty-day notice of the withdrawal and dismissal was provided to all parties and interested parties on the mailing list pursuant to California Code of Regulations, title 2, section 1183.08.²

The deadline for an eligible claimant to request to take over the claim by substitution of the parties was on August 13, 2007. The Commission did not receive any objections to the request to withdraw the claim or any requests from another local agency to take over this test claim by substitution of parties.

Recommendation

Staff recommends that the Commission adopt the Proposed Decision to Dismiss Test Claim on page 3.

¹ Claimant's withdrawal request letter (Exhibit A).

² Notice of withdrawal and dismissal (Exhibit B).

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM:

Penal Code Section 273.75 as added or amended
by Statutes 2001, Chapter 572 (SB 66)

Filed on December 23, 2004, by the County of
San Bernardino, Claimant.

Case No.: 04-TC-04

Domestic Violence Defendant Investigation

PROPOSED DECISION TO DISMISS
TEST CLAIM PURSUANT TO
GOVERNMENT CODE SECTION 17500 ET
SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 3,
SECTION 1183.08, and ARTICLE 7

(Adopted on September 27, 2007)

DECISION TO DISMISS TEST CLAIM

On July 11, 2007, the County of San Bernardino requested withdrawal of the test claim filing on *Domestic Violence Defendant Investigation* (04-TC-04). Claimant's request was served in writing, and a sixty-day notice of the withdrawal and dismissal was provided to all parties and interested parties on the mailing list pursuant to California Code of Regulations, title 2, section 1183.08.

No interested parties objected to the claimant's request for withdrawal, or took over the claim by substitution of the parties within the sixty (60)-day deadline of August 13, 2007.

CONCLUSION

IT IS HEREBY ORDERED that the test claim filing, *Domestic Violence Defendant Investigation* (04-TC-04), is dismissed without prejudice pursuant to California Code of Regulations, title 2, section 1183.08. Any eligible claimant may file a new test claim on the above-referenced statutes and alleged executive orders. Any new test claim, however, shall be subject to the statute of limitations in Government Code section 17551 and a new potential period of reimbursement pursuant to Government Code section 17557.

Paula Higashi, Executive Director

Dated: September 27, 2007