

for purposes of the probable cause hearing, as described below under the *Reimbursable Activities* section.

Recent Program Appropriations

Because this is not a new program, appropriations have already been made to fund it. Appropriations for mandated programs are made two years in arrears. The 2013-2014 Budget appropriated \$ 21,792,000 for payment of 2011-2012 claims. The 2014-15 Budget appropriated \$7,000,000 for 2012-13 claims, a figure which anticipated reduced program costs as a result of the new test claim decision. The proposed 2015-16 Budget includes an appropriation of \$7,140,000 for this program.

Eligible Claimants and Period of Reimbursement

Any county or city and county which incurs increased costs as a result of this mandate is eligible to claim reimbursement.

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 beginning July 1, 2011.

Reimbursement Claim Deadline

Because the parameters and guidelines were amended with an effective date of July 1, 2011 on May 30, 2014, after timely reimbursement claims were required to be submitted for fiscal years 2011-2012 and 2012-2013 and late claims were required to be submitted for 2011-2012, reimbursement claims were already submitted for those years and included costs that are no longer reimbursable beginning July 1, 2011. Late claims may still have been filed for 2012-2013 until February 17, 2015. The SCO has revised the claiming instructions and claimants may file amended claims for those two prior fiscal years without penalty. If a claimant does not file an amended claim, the SCO will reduce the claim by the amount of non-reimbursable activities.³ Amended claims for fiscal years 2011-2012 and 2012-2013 must be filed with the SCO by December 31, 2014 and late amended claims can be filed until December 31, 2015. Claims for fiscal year 2013-2014 must be filed with the SCO by February 17, 2015.⁴

Reimbursable Activities

For each eligible claimant, the following activities only are eligible for reimbursement:

- A. 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:
 1. Secretarial, paralegal and investigator services;
 2. Copying and making long distance telephone calls; and
 3. Travel.

³ State Controller's Office State Mandated Costs Claiming Instructions No. 2014-10, Revised September 2, 2014.

⁴ *Ibid.*

