

## **SEX CRIME CONFIDENTIALITY**

Statewide Cost Estimate  
Adopted: January 23, 2003

Penal Code Section 293

Statutes 1992, Chapter 502  
Statutes 1993, Chapter 555

Statutes 1993-1994, First Extraordinary Session, Chapter 36

### **Mandate Background**

The test claim legislation requires a law enforcement agency employee who receives a report from a person who alleges that he or she was the victim of specified sex crimes to inform the reporting person that his or her name will become a matter of public record unless he or she requests confidentiality. This statute also requires that the person's response be memorialized in any written report of the alleged sex offense. Finally, if the person has requested confidentiality, the law enforcement agency may not disclose the person's name or address except to specified persons.

The City of Hayward filed the *Sex Crime Confidentiality* test claim on June 30, 1999. The Commission adopted the statement of decision on September 28, 2001, and the parameters and guidelines on May 23, 2002. Eligible claimants were required to file initial reimbursement claims with the State Controller's Office (SCO) by November 26, 2002. The SCO provided unaudited claim totals to the Commission on January 7, 2003.

### **Eligible Claimants**

Any county, city, or city and county that has incurred increased costs as a direct result of this mandate is eligible to claim reimbursement of those costs.

### **Period of Reimbursement**

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for reimbursement for that fiscal year. The test claim for this mandate was filed on June 30, 1999. Costs incurred for compliance with the mandate are eligible for reimbursement on or after July 1, 1997.

### **Reimbursable Activities**

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

#### **A. One-Time Activities**

1. Train those employees that actually perform the reimbursable activities listed in Section IV, A and B, of these parameters and guidelines. (One-time activity per employee.)
2. Update the police report to include fields so that the victim's desire to keep his or her name confidential may be recorded.

3. Develop policies and procedures to implement the reimbursable activities listed in Section IV, A and B, of these parameters and guidelines.

**B. On Going Activities (*Beginning July 1, 1997*)**

1. When a law enforcement agency employee receives a report of a sex offense from an alleged victim, inform the person that his or her name will become a matter of public record unless he or she requests that it does not. (Pen. Code, § 293, subd. (a).)
2. Indicate on any written report of an alleged sex offense, as defined in Penal Code section 293, subdivision (e),<sup>1</sup> that the alleged victim has been properly informed of his or her right to keep his or her name confidential, and memorialize his or her response. (Pen. Code, § 293, subd. (b).)
3. Redact a victim’s name and address from all public records, except as provided in Penal Code section 293, subdivisions (c), (d), and (f).

**Statewide Cost Estimate**

Following is a breakdown of estimated total costs per fiscal year:

<b>Fiscal year</b>	<b># Claims Filed With SCO</b>	<b>Claim Totals</b>
1997-98	137	\$ 950,719
1998-99	138	\$ 564,048
1999-00	150	\$ 630,694
2000-01	150	\$ 730,708
2001-02	139	\$ 634,639
2002-03 (2.2% <sup>2</sup> )	n/a	\$ 648,601
2003-04 (3.2% <sup>3</sup> )	n/a	\$ 669,356
Total		\$4,828,765
<b>Statewide Cost Estimate Total (Rounded)</b>		<b>\$4,829,000</b>

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<sup>1</sup> Penal Code section 293, subdivision (e), states: “For purposes of this section, sex offense means any crime listed in paragraph (2) of subdivision (f) of Section 6254 of the Government Code which is also defined in Chapter 1 (commencing with Section 261) or Chapter 5 (commencing with Section 281) of Part 1 of Title 9.”

<sup>2</sup> Implicit Price Deflator as forecast by Department of Finance.

<sup>3</sup> *Ibid.*