



**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

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LOS ANGELES, CALIFORNIA 90012-2766  
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY  
AUDITOR-CONTROLLER

June 23, 2003

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814

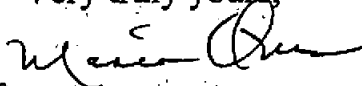
Dear Ms. Higashi:

**County of Los Angeles Test Claim [CSM-00-TC-18] Amendment  
Postmortem Examinations: Unidentified Bodies, Human Remains**

We submit and enclose herein an amendment to the subject test claim.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

  
for J. Tyler McCauley  
Auditor-Controller

JTM:JN:LK  
Enclosures

State of California  
COMMISSION ON STATE MANDATES  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916)323-3562  
CSM 1 (12/89)

**TEST CLAIM FORM**

For Official Use Only
<b>RECEIVED</b>
JUN 25 2003
<b>COMMISSION ON STATE MANDATES</b>
Claim No. 02-TC-39

**Local Agency or School District Submitting Claim**

Los Angeles County

**Contact Person**

**Telephone No.**

Leonard Kaye

(213) 974-8564

**Address**

500 West Temple Street, Room 603  
Los Angeles, CA 90012

**Representative Organization to be Notified**

California State Association of Counties

This test claim alleges the existence of "costs mandated by the state" within the meaning of section 17514 of the Government Code and section 6, article, XIII B of the California Constitution. This test claim is filed pursuant to section 17551 (a) of the Government Code. Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.

See page a

**IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.**

**Name and Title of Authorized Representative**

**Telephone No.**

J. Tyler McCauley  
Auditor-Controller

(213) 974-8301

**Signature of Authorized Representative**

**Date**

*Maxine One for J. Tyler McCauley*

*6/23/03*

**County of Los Angeles Test Claim Amendment [1]**

**Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health & Safety Code, Amending Section 14202 of the Penal Code; Chapter 822, Statutes of 2000, Adding Penal Code Section 14250(b) and Section 14250(c)(1); Chapter 467, Statutes of 2001, Amending Penal Code Section 14250(b) and Section 14250(c)(1)**  
**Postmortem Examinations: Unidentified Bodies, Human Remains**

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[1] The County of Los Angeles requests that its "Postmortem Examinations: Unidentified Bodies, Human Remains" test claim, filed on June 26, 2001 with the Commission on State Mandates, be amended to include related changes to Chapter 284, Statutes of 2000, adding Sections 27521 and 27521.1 of the Government Code, amending Section 102870 of the Health & Safety Code, amending Section 14202 of the Penal Code, the test claim legislation, as follows: Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(c)(1); Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(c)(1).

**County of Los Angeles Test Claim Amendment**  
**Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1**  
**of the Government Code, Amending Section 102870 of the Health**  
**& Safety Code, Amending Section 14202 of the Penal Code;**  
**Chapter 822, Statutes of 2000, Adding Penal Code Section**  
**14250(b) and Section 14250(c)(1); Chapter 467, Statutes of 2001,**  
**Amending Penal Code Section 14250(b) and Section 14250(c)(1)**  
**Postmortem Examinations: Unidentified Bodies, Human Remains**

The County of Los Angeles requests that its "Postmortem Examinations: Unidentified Bodies, Human Remains" test claim, filed on June 26, 2001 with the Commission on State Mandates, be amended to include related changes to Chapter 284, Statutes of 2000, adding Sections 27521 and 27521.1 of the Government Code; amending Section 102870 of the Health & Safety Code, amending Section 14202 of the Penal Code, the test claim legislation, as follows: Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(c)(1); Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(c)(1).

Penal Code Section 14250(b) and Section (c)(1), as added by Chapter 822, Statutes of 2000 [attached as Exhibit 1] and amended by Chapter 467, Statutes of 2001 [attached as Exhibit 2]; affirm, and are substantially related to, the mandatory duty of the coroner, as alleged in the Los Angeles County's original test claim filing, to examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice:

"(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c)(1) A coroner shall collect samples for DNA testing from the

remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.” [Emphasis added.]<sup>1</sup>

### Missing Persons Database Submissions

Penal Code Section 14250(b) and Section (c)(1), as added by Chapter 822, Statutes of 2000, also was required to establish a “Missing Persons Database”, as set forth in Section 1 of Chapter 822, Statutes of 2000, as follows:

“SECTION 1. The Legislature finds and declares the following:

(a) That unidentified remains and unsolved missing persons cases constitute a critical problem for law enforcement and victims' families in the State of California.

(b) Hundreds of people, both children and adults, vanish each year under suspicious circumstances, and their cases remain unsolved. Meanwhile, coroners retain dozens of remains each year that cannot be identified. Families of missing persons must live with no sense of

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<sup>1</sup> Penal Code Section 14250(b) and Section (c)(1), as added by Chapter 822, Statutes of 2000 and amended by Chapter 467, Statutes of 2001, has been found to affirm, and be substantially related to, the mandatory duty of the coroner to examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice, in Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health & Safety Code, Amending Section 14202 of the Penal Code [the original test claim legislation] by David Campbell, Captain, Los Angeles County Department of Coroner's Operation Bureau, Forensic Services Division. A copy of Mr. Campbell's declaration in this matter is attached.

closure, even though their loved one may have already been found.

(c) The Legislature finds that new technology can play an invaluable role in identifying these remains through deoxyribonucleic acid (DNA) analysis.

(d) In order to identify these remains and bring closure to missing persons cases, the Legislature enacts the "Missing Persons DNA Data Base." This data base shall be used to identify remains and to locate missing persons. The intention of this data base is to identify remains to bring closure to the families of missing persons." [Emphasis added.]

Therefore, the Legislature has unambiguously mandated, in the test claim legislation as amended herein, that coroners examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice.

#### Coroner's Duties

In the case of an unidentified dead body or human remains, the coroner is mandated, pursuant to Government Code 27491, "to inquire into and determine the circumstances, manner, and cause of" death and conduct necessary inquiries to determine, among other things, whether the death was "violent, sudden, or unusual", "unattended"; and, if the deceased had "not been attended by a physician in the 20 days before death".

The mandatory inquiry into, and determination of, the circumstances, manner, and cause of death of an unidentified dead body or human remains, pursuant to Government Code Section 27491, must now be supplemented, under Government Code Section 27521, to determine the identity of the deceased.

Irrespective of the types of postmortem inquiries, examinations or autopsies employed by the coroner to complete the mandatory determination of the

circumstances, manner, and cause of death of an unidentified body or human remains pursuant to Government Code Section 27491, further mandatory duties to identify the deceased were added by Government Code Section 27521.

The new mandatory duties to determine identity of the deceased require, under Government Code Section 27521, that ".....a postmortem examination or autopsy shall include, but shall not be limited to, the following:

- 1) Taking all available fingerprints and palms prints.
  - 2) A dental examination consisting of dental charts and dental X-rays of the deceased person's teeth, which may be conducted on the body or human remains by a qualified dentist as determined by the coroner.
  - 3) The collection of tissue, including a hair sample, or body fluid samples for future DNA testing, if necessary.
  - 4) Frontal and lateral facial photographs with the scale indicated.
  - 5) Notation and photographs, with a scale, of significant scars, marks, tattoos, clothing items, or other personal effects found with or near the body.
  - 6) Notations of observations pertinent to the estimation of the time of death.
  - 7) Precise documentation of the location of the remains.
- c) The postmortem examination or autopsy of the unidentified body or remains may include full body x-rays.
- d) The coroner shall prepare a final report of investigation in a format established by the Department of Justice. The final report shall list or describe the information collected pursuant to the

postmortem examination or autopsy conducted under subdivision (b).

e) The body of unidentified deceased person may not be cremated or buried until the jaws (maxilla and mandible with teeth) and other tissue samples are retained for future possible use. Unless the coroner has determined that the body of the unidentified deceased person has suffered significant deterioration or decomposition, the jaws shall not be removed until immediately before the body is cremated or buried. The coroner shall retain the jaws and other tissue samples for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

f) If the coroner with the aid of the dental examination and any other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit dental charts and dental X-rays of the unidentified deceased person to the Department of Justice on forms supplied by the Department of Justice within 45 days of the date the body or human remains were discovered.

g) If the coroner with the aid of the dental examination and other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit the final report of investigation to the Department of Justice within 180 days of the date the body or human remains were discovered."

Accordingly, Government Code Section 27521(b) is explicit in what a postmortem examination, for the purposes of determining identity, shall include.

Previous to the test claim legislation as amended herein, the Coroner took fingerprints on most cases but limited the taking of palm prints to homicide victims.

Previous to the changes in the test claim legislation as amended herein, the Coroner did not include the taking of a hair sample for DNA testing. Hair standards were collected only in homicide cases. In fact, DNA testing was never



a regular method for identification and the collection of fluids for identification was usually not performed.

Previous to the changes in the test claim legislation as amended herein, frontal and lateral facial photographs with the scale indicated were not mandated. .

Previous to the changes in the test claim legislation as amended herein, the retention of jaws (maxilla and mandible with teeth) and other tissue samples for future possible use was not mandated. Government Code Section 27521(e) requires the retention of jaws and other tissue samples for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

Previous to the changes in the test claim legislation as amended herein, the Coroner made no provisions to store material used in positive identification. Once the body was identified, the jaws and/or tissues were returned to the body for disposition. The Coroner now requires additional storage for the jaws.

Accordingly, for all the reasons stated above, prompt and complete reimbursement of costs incurred by the County Coroner as well as the County Sheriff, in identifying unidentified bodies and human remains in accordance with the test claim legislation as amended herein, is required.

#### State Funding Disclaimers are Not Applicable

There are seven disclaimers specified in Government Code (GC) Section 17556 which could serve to bar recovery of "costs mandated by the State", as defined in GC Section 17514. These seven disclaimers do not apply to the instant test claim amendment, as shown, in seriatim, for pertinent sections of GC Section 17556:

- (a) "The claim is submitted by a local agency or school district which requested legislative authority for that local agency or school district to implement the Program specified in the statute, and that statute imposes costs upon that local agency or school district requesting the legislative authority. A resolution from the governing body or a letter from a delegated representative of the governing body of a local agency or school

district which requests authorization for that local agency to implement a given program shall constitute a request within the meaning of this paragraph.”

- (a) is not applicable as the subject law was not requested by the County claimant or any local agency or school district.
- (b) “The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.”
- (b) is not applicable because the subject law did not affirm what had been declared existing law or regulation by action of the courts.
- (c) “The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.”
- (c) is not applicable as no federal law or regulation is implemented in the subject law.
- (d) “The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.”
- (d) is not applicable as there is no authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.<sup>2</sup>

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<sup>2</sup> It should be noted that Penal Code Section 14251, added by Chapter 822, Statutes of 2000, provides that:

- (e) "The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate."

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"(a) The "Missing Persons DNA Data Base" shall be funded by a two dollar (\$2) fee increase on death certificates issued by a local government agency or by the State of California. The issuing agencies may retain up to 5 percent of the funds from the fee increase for administrative costs. This fee increase shall remain in effect only until January 1, 2006, or when federal funding for operation of the data base becomes available if it becomes available before that date.

(b) Funds shall be directed on a quarterly basis to the "Missing Persons DNA Data Base Fund," hereby established, to be administered by the department for establishing and maintaining laboratory infrastructure, DNA sample storage, DNA analysis, and labor costs for cases of missing persons and unidentified remains. Funds may also be distributed by the department to various counties for the purposes of pathology and exhumation as the department deems necessary. The department may also use those funds to publicize the data base for the purpose of contacting parents and relatives so that they may provide a DNA sample for training law enforcement officials about the data base and DNA sampling and for outreach.

(c) The department shall create an advisory committee, comprised of coroners and appropriate law enforcement officials, and interested stakeholders to prioritize the identification of the backlog of unidentified remains. The identification of the backlog may be outsourced to other laboratories at the department's discretion.

(d)(1) The death certificate fee increase shall begin and funds shall be directed to the Missing Persons DNA Data Base Fund beginning January 1, 2001. Funding for year one shall be used to develop the data base and laboratory infrastructure, and to establish Department of Justice protocols and personnel.  
[Emphasis added.]

Section 14251 fee revenue is insufficient as it is not available for a specified period of time and of limited use, as local agencies may retain 5 percent of the funds from the fee increase, but only for use in offsetting "administrative costs". Accordingly, such fee authority is clearly insufficient to defray all reimbursable costs claimed herein throughout all annual claiming periods.

- (e) is not applicable as no offsetting savings are provided in the subject law.
- (f) "The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election."
- (f) is not applicable as the duties imposed in the subject law were not included in a ballot measure.
- (g) "The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction."
- (g) is not applicable as the subject law did not create or eliminate a crime or infraction and did not change that portion of the statute not relating directly to the penalty enforcement of the crime or infraction.

Therefore, the above seven disclaimers will not bar local governments' reimbursement of its costs mandated by the state as claimed herein.

The Costs of Implementing New, Amended Duties are Also Reimbursable

The County has unavoidably incurred costs in performing new duties in identifying unidentified bodies and human remains, which are reimbursable "costs mandated by the State" as there is no bar or disclaimer to such a finding, as previously discussed, and because such costs satisfy three requirements, found in Government Code Section 17514:

1. There are "increased costs which a local agency is required to incur after July 1, 1980"; and

2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975"; and
3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution".

All three of above requirements for finding "costs mandated by the State" are met herein.

First, local government began incurring costs for the subject program as a result of Chapter 284, Statutes of 2000, adding Sections 27521 & 27521.1 of the Government Code, amending Section 102870 of the Health & Safety Code; Amending Section 14202 of the Penal Code; Chapter 822, Statutes of 2000, adding Penal Code Section 14250(b) and Section 14250(c)(1); Chapter 467, Statutes of 2001, amending Penal Code Section 14250(b) and Section 14250(c)(1), --- all statutes enacted on or after January 1, 1975.

Second, as noted in the declaration of Mr. David Campbell, attached hereto, the County has incurred costs well in excess of \$1,000 a year as a result of the test claim legislation enacted well after July 1, 1980. So the second requirement, that the increased costs claimed herein be incurred after July 1, 1980, is met. Also, the amount of such increased costs well exceeds the statutory minimum of \$1,000 a year.

The third requirement is also met as new duties, not required under prior law, are claimed herein. Such new duties, as previously discussed, include requirements mandated under the test claim legislation as amended herein to examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice.

Therefore, all three requirements, for the costs claimed herein to be the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution", are met. Accordingly, reimbursement of the County's "costs mandated by the State", as claimed herein, is required.

CALIFORNIA 2000 LEGISLATIVE SERVICE  
2000 Portion of 1999-2000 Regular Session

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Additions are indicated by <<+ Text +>>; deletions by <<- \* \* \* ->>. Changes in tables are made but not highlighted.

CHAPTER 822  
S.B. No. 1818  
CRIMES--MISSING PERSONS--DNA DATA BASE DEVELOPMENT

AN ACT to add Title 12.5 (commencing with Section 14250) to Part 4 of, and to repeal Section 14251 of, the Penal Code, relating to DNA.

[Filed with Secretary of State September 28, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1818, Speier. DNA data base.

Existing law establishes the DNA and Forensic Identification Data Base and Data Bank and requires the Department of Justice to be responsible for the management administration of the data base and data bank identification program. The program includes DNA samples for offenders of specified sex offenses and violent felonies.

This bill would require the Department of Justice to develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined, and to match and compare samples of recovered unidentified deceased persons with those of reported missing persons. The data base would be comprised of DNA data from genetic markers that are appropriate solely for human identification but have no capability to predict biological function. The department would be required to compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from the parents or appropriate relatives of high-risk missing persons, and then to return the evidence to the local coroner after taking a sample of the remains for DNA analysis.

The bill would require the responsible investigating law enforcement agency to inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing and may collect a DNA sample from a personal article of the missing person if available. The investigating agency may not wait any longer than 30 days after a report is made of a missing person under high-risk circumstances to inform the parents or relatives of their right to give a sample. All samples and DNA extracted from a living person would be required to be destroyed after a positive identification is made and a report issued. The bill would make all DNA files confidential and would authorize disclosure only to specified persons for

the purpose of investigating and prosecuting crime. The bill would impose a \$2 fee increase on death certificates issued by local government agencies or the state to fund the "Missing Persons DNA Data Base," to remain in effect until January 1, 2006, or until federal funding for the operation of the data base becomes available before that date. The bill would provide that the provisions of the bill relating to funding would remain in effect only until January 1, 2006, and as of that date would be repealed, unless a later enacted statute, enacted before January 1, 2006, deletes or extends that date. The death certificate fee increase would begin on and the funds would be directed to the Missing Persons DNA Data Base Fund beginning on January 1, 2001. The funding for the first year would be used to develop the data base and laboratory infrastructure and the department's protocols and personnel. The department would be required to begin case analysis in 2002. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Additionally, this bill would make persons who collect, process or store DNA or samples used for DNA testing, as specified, and who violate the provisions of the bill relating to disposal or confidentiality, liable to the DNA donor for civil damages of \$5,000 plus attorney's fees and costs. This bill also would make it a misdemeanor for a person who collects, processes, or stores DNA or samples used for DNA testing to violate the disposal and confidentiality requirements, punishable by imprisonment in a county jail. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) That unidentified remains and unsolved missing persons cases constitute a critical problem for law enforcement and victims' families in the State of California.

(b) Hundreds of people, both children and adults, vanish each year under suspicious circumstances, and their cases remain unsolved. Meanwhile, coroners

retain dozens of remains each year that cannot be identified. Families of missing persons must live with no sense of closure, even though their loved one may have already been found.

(c) The Legislature finds that new technology can play an invaluable role in identifying these remains through deoxyribonucleic acid (DNA) analysis.

(d) In order to identify these remains and bring closure to missing persons cases, the Legislature enacts the "Missing Persons DNA Data Base." This data base shall be used to identify remains and to locate missing persons. The intention of this data base is to identify remains to bring closure to the families of missing persons.

<< CA PENAL pr. 14250 (t. hd.) >>

SEC. 2. Title 12.5 (commencing with Section 14250) is added to Part 4 of the Penal Code, to read:

TITLE 12.5. DNA

<< CA PENAL § 14250 >>

14250. (a) (1) The Department of Justice shall develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person.

(2) The data base required in paragraph (1) shall be comprised of DNA data from genetic markers that are appropriate for human identification, but have no capability to predict biological function. These markers shall be selected by the department and may change as the technology for DNA typing progresses. The results of DNA typing shall be compatible with and uploaded into the CODIS DNA data base established by the Federal Bureau of Investigation. The sole purpose of this data base shall be to identify missing persons and shall be kept separate from the data base established under Chapter 6 (commencing with Section 295) of Title 9 of Part 1.

(3) The Department of Justice shall compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons.

(4) For the purpose of this data base, "high-risk missing person" means a person missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency.

(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines.



These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c) (1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.

(2) After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample.

(3) The Department of Justice shall develop a standard release form that authorizes a mother, father, or other relative to voluntarily provide the sample. The release shall explain that DNA is to be used only for the purpose of identifying the missing person. No incentive or coercion shall be used to compel a parent or relative to provide a sample.

(4) The Department of Justice shall develop a model kit that law enforcement shall use when taking samples from parents and relatives.

(5) Before submitting the sample to the department for analysis, law enforcement shall reverify the status of the missing person. After 30 days has elapsed from the date the report was filed, law enforcement shall send the sample to the department for DNA testing and inclusion in the DNA data base, with a copy of the crime report, and any supplemental information.

(6) All samples and DNA extracted from a living person shall be destroyed after a positive identification is made and a report is issued.

(d) All DNA samples shall be confidential and shall only be disclosed to personnel of the Department of Justice, law enforcement officers, coroners, medical examiners, and district attorneys, except that a law enforcement officer may notify a victim's family to disclose whether or not a match has occurred.

(e) (1) A person who collects, processes, or stores DNA or samples from a living person used for DNA testing under this section, who intentionally violates paragraph (6) of subdivision (c) or subdivision (d) is guilty of a misdemeanor punishable by imprisonment in a county jail.

(2) A person who collects, processes, or stores DNA from a living person or samples from a living person used for DNA testing under this section, who intentionally violates paragraph (6) of subdivision (c) or subdivision (d) is liable in civil damages to the donor of the DNA in the amount of five thousand dollars (\$5,000) for each violation, plus attorney's fees and costs.

<< CA PENAL § 14251 >>

14251. (a) The "Missing Persons DNA Data Base" shall be funded by a two dollar (\$2) fee increase on death certificates issued by a local government agency or by the State of California. The issuing agencies may retain up to 5 percent of the funds from the fee increase for administrative costs. This fee increase shall remain in effect only until January 1, 2006, or when federal funding for operation of the data base becomes available if it becomes available before that date.

(b) Funds shall be directed on a quarterly basis to the "Missing Persons DNA Data Base Fund," hereby established, to be administered by the department for establishing and maintaining laboratory infrastructure, DNA sample storage, DNA analysis, and labor costs for cases of missing persons and unidentified remains. Funds may also be distributed by the department to various counties for the purposes of pathology and exhumation as the department deems necessary. The department may also use those funds to publicize the data base for the purpose of contacting parents and relatives so that they may provide a DNA sample for training law enforcement officials about the data base and DNA sampling and for outreach.

(c) The department shall create an advisory committee, comprised of coroners and appropriate law enforcement officials, and interested stakeholders to prioritize the identification of the backlog of unidentified remains. The identification of the backlog may be outsourced to other laboratories at the department's discretion.

(d) (1) The death certificate fee increase shall begin and funds shall be directed to the Missing Persons DNA Data Base Fund beginning January 1, 2001. Funding for one shall be used to develop the data base and laboratory infrastructure, and to establish Department of Justice protocols and personnel.

(2) The Department of Justice shall begin case analysis in 2002. The Department of Justice shall retain the authority to prioritize case analysis, giving priority to those cases involving children.

(3) If federal funding is made available, it shall be used to assist in the identification of the backlog of high-risk missing person cases and long-term unidentified remains.

(4) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the State, reimbursement to local agencies and school districts for those costs shall

be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

CA LEGIS 822 (2000).

END OF DOCUMENT

CALIFORNIA 2001 LEGISLATIVE SERVICE  
2001 Portion of 2001-2002 Regular Session

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Additions are indicated by <<+ Text +>>; deletions by  
<<- \* \* \* ->>. Changes in tables are made but not highlighted.

CHAPTER 467  
S.B. No. 297  
DNA DATA BASE--GENETIC MARKERS--INCLUSION

AN ACT to amend Section 14250 of the Penal Code, relating to DNA.

[Filed with Secretary of State October 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 297, Speier. DNA data base.

Existing law requires that the Department of Justice develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined. Existing law requires that the data base be comprised of DNA data from genetic markers that are appropriate for human identification but have no capability to predict biological function. Under existing law, the department is directed to compare DNA samples of unidentified deceased persons with those of high-risk missing persons. Existing law requires that all DNA samples extracted from a living person be destroyed after a positive identification is made and a report issued. Existing law also provides that all DNA samples are confidential and can only be disclosed to department personnel, law enforcement officers, coroners, medical examiners, and district attorneys. Under existing law, a person who collects, processes, or stores DNA samples can be civilly and criminally liable for failure to comply with the sample destruction and confidentiality requirements.

This bill would allow inclusion in the DNA data base of DNA data from genetic markers that predict gender. This bill would also provide that retained samples and DNA extracted from a living person, and profiles developed therefrom, shall be used solely for the purpose of identification of the deceased's remains. In addition, this bill would waive the requirement that a DNA sample from a living person, and any profile developed therefrom, be destroyed after a positive identification is made and a report is issued in specified situations where the DNA sample may be required for a criminal investigation to determine whether an identified person's death has been occasioned by criminal means or where a government agency is required to retain the sample while a person is incarcerated in connection with a case for which the DNA sample was obtained. This bill would also allow disclosure of DNA samples to persons who need access to a sample for the purposes of prosecuting or defending a criminal case, and would permit a law

enforcement officer to publicly disclose the fact of a DNA profile match after taking reasonable measures to first notify the family of an unidentified deceased person or the family of a high-risk missing person that there has been an identification. In addition, this bill would require that a DNA sample submitted by a living person, including the parent or guardian of a child who submits a DNA sample of the child, be removed from the DNA data base upon that person's request. This bill would eliminate the existing criminal liability provisions and would provide that any person who discloses DNA or other forensic identification information to an unauthorized individual or agency or for purposes unrelated to identification or a criminal investigation or prosecution is guilty of a misdemeanor. This bill would also exempt DNA and other identification information retained by the department from public disclosure laws.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 14250 of the Penal Code is amended to read:

<< CA PENAL § 14250 >>

14250. (a) (1) The Department of Justice shall develop a DNA data base for all cases involving the report of an unidentified deceased person or a high-risk missing person.

(2) The data base required in paragraph (1) shall be comprised of DNA data from genetic markers that are appropriate for human identification, but have no capability to predict biological function <<+other than gender+>>. These markers shall be selected by the department and may change as the technology for DNA typing progresses. The results of DNA typing shall be compatible with and uploaded into the CODIS DNA data base established by the Federal Bureau of Investigation. The sole purpose of this data base shall be to identify missing persons and shall be kept separate from the data base established under Chapter 6 (commencing with Section 295) of Title 9 of Part 1.

(3) The Department of Justice shall compare DNA samples taken from the remains of unidentified deceased persons with DNA samples taken from personal articles belonging to the missing person, or from the parents or appropriate relatives of high-risk missing persons.

(4) For the purpose of this data base, "high-risk missing person" means a person

missing as a result of a stranger abduction, a person missing under suspicious circumstances, a person missing under unknown circumstances, or where there is reason to assume that the person is in danger, or deceased, and that person has been missing more than 30 days, or less than 30 days in the discretion of the investigating agency.

(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c) (1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.

(2) After a report has been made of a person missing under high-risk circumstances, the responsible investigating law enforcement agency shall inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal article belonging to the missing person if available. The samples shall be taken by the appropriate law enforcement agency in a manner prescribed by the Department of Justice. The responsible investigating law enforcement agency shall wait no longer than 30 days after a report has been made to inform the parents or other relatives of their right to give a sample.

(3) The Department of Justice shall develop a standard release form that authorizes a mother, father, or other relative to voluntarily provide the sample. The release shall explain that DNA is to be used only for the purpose of identifying the missing person <<+and that the DNA sample and profile will be destroyed upon request+>>. No incentive or coercion shall be used to compel a parent or relative to provide a sample.

(4) The Department of Justice shall develop a model kit that law enforcement shall use when taking samples from parents and relatives.

(5) Before submitting the sample to the department for analysis, law enforcement shall reverify the status of the missing person. After 30 days has elapsed from the date the report was filed, law enforcement shall send the sample to the department for DNA testing and inclusion in the DNA data base, with a copy of the crime report, and any supplemental information.

(6) <<+All retained samples and DNA extracted from a living person, and profiles developed therefrom, shall be used solely for the purpose of identification of the deceased's remains.+>> All samples and DNA extracted from a living person<<+, and profiles developed therefrom,+>> shall be destroyed after a positive identification <<+with the deceased's remains+>> is made and a report is issued<<+, unless any of the following has occurred:+>>

<<+(A) The coroner has made a report to a law enforcement agency pursuant to Section 27491.1 of the Government Code, that he or she has a reasonable ground to

suspect that the identified person's death has been occasioned by another by criminal means.+>>

<<+(B) A law enforcement agency makes a determination that the identified person's death has been occasioned by another by criminal means.+>>

<<+(C) The evidence is needed in an active criminal investigation to determine whether the identified person's death has been occasioned by another by criminal means.+>>

<<+(D) A governmental entity is required to retain the material pursuant to Section 1417.9.+>>

<<+(7) Notwithstanding any other provisions of this section, upon the request of any living person who submits his or her DNA sample and profile pursuant to this section, including the parent or guardian of a child who submits a DNA sample of the child, the DNA sample shall be removed from the DNA data base.+>>

(d) All DNA samples <<+and profiles developed therefrom+>> shall be confidential and shall only be disclosed to personnel of the Department of Justice, law enforcement officers, coroners, medical examiners, district attorneys, <<+and persons who need access to a DNA sample for purposes of the prosecution or defense of a criminal case,+>> except that a law enforcement officer <<-\* \* \*->><<+or agency may publicly disclose the fact of a DNA profile match after taking reasonable measures to first notify the family of an unidentified deceased person or the family of a high-risk missing person that there has been an identification+>>.

<<+(e) All DNA, forensic identification profiles, and other identification information retained by the Department of Justice pursuant to this section are exempt from any law requiring disclosure of information to the public.+>>

<<+(f) (1) Any person who knowingly discloses DNA or other forensic identification information developed pursuant to this section to an unauthorized individual or agency, or for any purpose other than for identification or for use in a criminal investigation, prosecution, or defense, is guilty of a misdemeanor.+>>

<<+(2)+>> A person who collects, processes, or stores DNA or DNA samples from a living person <<+that are+>> used for DNA testing <<-\* \* \*->><<+pursuant to+>> this section <<-\* \* \*->><<+ who does either of the following is liable in civil damages to the donor of the DNA in the amount of five thousand dollars (\$5,000) for each violation, plus attorney's fees and costs:+>>

<<-\* \* \*->>

<<+(A) Fails to destroy samples or DNA extracted from a living person pursuant to paragraph (6) of subdivision (c).+>>

<<+(B) Discloses DNA samples in violation of subdivision (d).+>>

<<+(g) (1) If a disclosure or failure to destroy samples described in paragraph (2) of subdivision (f) is made by an employee of the Department of Justice, the department shall be liable for those actions of its employee.+>>

<<+(2) Notwithstanding any other law, the remedy in this section shall be the sole and exclusive remedy against the department and its employees available to the donor of the DNA against the department and its employees.+>>

<<+(3) The department employee disclosing DNA or other forensic identification information or otherwise violating this section shall be absolutely immune from civil liability under this or any other law.+>>

<<+(h) It is not an unauthorized disclosure or violation of this section to release DNA and other forensic identification information as part of a judicial or administrative proceeding, to a jury or grand jury, or in a document filed with a court or administrative agency, or for this information to become part of the public transcript or record of proceedings.+>>

<<+(i) In order to maintain computer system security, the computer software and data base structures used by the DNA laboratory of the Department of Justice to implement this chapter are confidential.+>>

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CA LEGIS 467 (2001)

OF DOCUMENT



**County of Los Angeles Test Claim**  
**Chapter 284, Statutes of 2000**  
**Adding Sections 27521 & 27521.1 of the Government Code,**  
**Amending Section 102870 of the Health & Safety Code,**  
**Amending Section 14202 of the Penal Code,**  
**Postmortem Examinations: Unidentified Bodies and Human Remains**

**Declaration of David Campbell**

David Campbell makes the following declaration and statement under oath:

I, David Campbell, Captain, Los Angeles County Department of Coroner's Operations Bureau, Forensic Services Division, am responsible for implementing the subject law.

I declare that it is my information or belief that Penal Code Section 14250(b) and Section (c)(1), as added by Chapter 822, Statutes of 2000 and amended by Chapter 467, Statutes of 2001, affirms, and is substantially related to; the mandatory duty of the coroner to examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice:

“(b) The department shall develop standards and guidelines for the preservation and storage of DNA samples. Any agency that is required to collect samples from unidentified remains for DNA testing shall follow these standards and guidelines. These guidelines shall address all scientific methods used for the identification of remains, including DNA, anthropology, odontology, and fingerprints.

(c)(1) A coroner shall collect samples for DNA testing from the remains of all unidentified persons and shall send those samples to the Department of Justice for DNA testing and inclusion in the DNA data bank. After the department has taken a sample from the remains for DNA analysis and analyzed it, the remaining evidence shall be returned to the appropriate local coroner.” [Emphasis added.]

I declare that it is my information or belief that Penal Code Section 14250(b) and Section (c)(1), as added by Chapter 822, Statutes of 2000, also was required to establish a "Missing Persons Database", as set forth in Section 1 of Chapter 822, Statutes of 2000, as follows:

"SECTION 1. The Legislature finds and declares the following:

(a) That unidentified remains and unsolved missing persons cases constitute a critical problem for law enforcement and victims' families in the State of California.

(b) Hundreds of people, both children and adults, vanish each year under suspicious circumstances, and their cases remain unsolved. Meanwhile, coroners retain dozens of remains each year that cannot be identified. Families of missing persons must live with no sense of closure, even though their loved one may have already been found.

(c) The Legislature finds that new technology can play an invaluable role in identifying these remains through deoxyribonucleic acid (DNA) analysis.

(d) In order to identify these remains and bring closure to missing persons cases, the Legislature enacts the "Missing Persons DNA Data Base." This data base shall be used to identify remains and to locate missing persons. The intention of this data base is to identify remains to bring closure to the families of missing persons." [Emphasis added.]

I declare that it is my information or belief that therefore the Legislature has unambiguously mandated, in the test claim legislation as amended herein, that coroners examine unidentified remains and perform required autopsies, microscopic, toxicology, and microbiological testing, take photographs, fingerprints, tissue sampling for future DNA testing, x-ray, and prepare samples and reports for the Department of Justice.

I declare that in the case of an unidentified dead body or human remains, the coroner is mandated, pursuant to Government Code 27491 [above], "to inquire into and determine the circumstances, manner, and cause of" death and conduct necessary inquiries to determine, among other things, whether the death was "violent, sudden, or unusual", "unattended"; and, if the deceased had "not been attended by a physician in the 20 days before death".

I declare that the mandatory inquiry into, and determination of, the circumstances, manner, and cause of death of an unidentified dead body or human remains, pursuant to Government Code Section 27491, must now be supplemented, under Government Code Section 27521, to determine the identity of the deceased.

I declare that irrespective of the types of postmortem inquiries, examinations or autopsies employed by the coroner to complete the mandatory determination of the circumstances, manner, and cause of death of an unidentified body or human remains pursuant to Government Code Section 27491, further mandatory duties to identify the deceased were added by Government Code Section 27521.

I declare that the new mandatory duties to determine identity of the deceased require, under Government Code Section 27521, that ".....a postmortem examination or autopsy shall include, but shall not be limited to, the following:

- 1) Taking all available fingerprints and palms prints.
  - 2) A dental examination consisting of dental charts and dental X-rays of the deceased person's teeth, which may be conducted on the body or human remains by a qualified dentist as determined by the coroner.
  - 3) The collection of tissue, including a hair sample, or body fluid samples for future DNA testing, if necessary.
  - 4) Frontal and lateral facial photographs with the scale indicated.
  - 5) Notation and photographs, with a scale, of significant scars, marks, tattoos, clothing items, or other personal effects found with or near the body.
  - 6) Notations of observations pertinent to the estimation of the time of death.
  - 7) Precise documentation of the location of the remains.
- c) The postmortem examination or autopsy of the unidentified body or remains may include full body x-rays.
- d) The coroner shall prepare a final report of investigation in a format established by the Department of Justice. The final report shall list or

describe the information collected pursuant to the postmortem examination or autopsy conducted under subdivision (b).

e) The body of unidentified deceased person may not be cremated or buried until the jaws (maxilla and mandible with teeth) and other tissue samples are retained for future possible use. Unless the coroner has determined that the body of the unidentified deceased person has suffered significant deterioration or decomposition, the jaws shall not be removed until immediately before the body is cremated or buried. The coroner shall retain the jaws and other tissue samples for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

f) If the coroner with the aid of the dental examination and any other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit dental charts and dental X-rays of the unidentified deceased person to the Department of Justice on forms supplied by the Department of Justice within 45 days of the date the body or human remains were discovered.

g) If the coroner with the aid of the dental examination and other identifying findings is unable to establish the identity of the body or human remains, the coroner shall submit the final report of investigation to the Department of Justice within 180 days of the date the body or human remains were discovered."

I declare that Government Code Section 27521(b) is explicit in what a postmortem examination, for the purposes of determining identity, shall include.

I declare that previous to the changes in the test claim legislation as amended herein, the Coroner took fingerprints on most cases but limited the taking of palm prints to homicide victims.

I declare that previous to the changes in the test claim legislation as amended herein, the Coroner did not include the taking of a hair sample for DNA testing. Hair standards were collected only in homicide cases. In fact, DNA testing was never a regular method for identification and the collection of fluids for identification was usually not performed.

I declare that previous to the changes in the test claim legislation as amended herein, frontal and lateral facial photographs with the scale indicated were not mandated.

I declare that previous to the changes in the test claim legislation as amended herein, the retention of jaws (maxilla and mandible with teeth) and other tissue samples for future possible use was not mandated. Government Code Section 27521(e) requires the retention of jaws and other tissue samples for one year after a positive identification is made, and no civil or criminal challenges are pending, or indefinitely.

I declare that previous to the changes in the test claim legislation as amended herein, the Coroner made no provisions to store material used in positive identification. Once the body was identified, the jaws and/or tissues were returned to the body for disposition. The Coroner now requires additional storage for the jaws.

I declare that I have prepared the attached description of reimbursable activities reasonably necessary to comply with the test claim legislation as amended herein.

I declare that the duties performed by the Los Angeles County Coroner's Department pursuant to the test claim legislation as amended herein, are reasonably necessary in complying with the subject law, and cost the County of Los Angeles in excess of \$1,000 per annum, the minimum cost that must be incurred to file a claim in accordance with Government Code Section 17564(a).

Specifically, I declare that I am informed and believe that the County's State mandated duties and resulting costs in implementing the test claim legislation as amended herein require the County to provide new State-mandated services and thus incur costs which are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters which are stated as information and belief, and as to those matters I believe them to be true.

LOS ANGELES

JUNE 19, 2002

Date and Place

*David A. Campbell*

Signature

Description of Reimbursable Activities  
Declaration of David Campbell

1. Develop policies and procedures for the initial and continuing implementation of the subject law.
2. Perform autopsies, including any required microscopic, toxicology, and microbiological testing, photographs, fingerprints, tissue sampling for future DNA testing, x-ray, notation of the time of the death, location of the death, dental examination, and preparing the final report to the Department of Justice.
3. Storage of autopsy samples under appropriate conditions, including tissue and fluids, in proper receptacles, and allowing access as necessary for periods of time as required by the autopsy protocol.
4. Death scene investigation and related interviews, evidence collection, including specimens and photographs, and travel as required for the fulfillment of the requirements, including travel to pick up a body for autopsy, and to return the body to the original county, if it has been transported out of the county for autopsy.
5. Train departmental personnel to prepare the final report to the Department of Justice.
6. Participation in workshops within the state for ongoing professional training as necessary to satisfy standards required by the subject law.



COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER

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County of Los Angeles Test Claim Amendment

Chapter 284, Statutes of 2000, Adding Sections 27521 & 27521.1 of the Government Code, Amending Section 102870 of the Health & Safety Code, Amending Section 14202 of the Penal Code; Chapter 822, Statutes of 2000, Adding Penal Code Section 14250(b) & Section 14250(c)(1); Chapter 467, Statutes of 2001, Amending Penal Code Section 14250(b) & Section 14250(c)(1): Postmortem Examinations: Unidentified Bodies, Human Remains

Declaration of Leonard Kaye

Leonard Kaye makes the following declaration and statement under oath:

I Leonard Kaye, SB 90 Coordinator, in and for the County of Los Angeles, am responsible for filing test claims and amendments thereto, reviews of State agency comments, Commission staff analysis, and for proposing parameters and guidelines (P's& G's) and amendments thereto, all for the complete and timely recovery of costs mandated by the State. Specifically, I have prepared the subject test claim amendment.

Specifically, I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs as set forth in the subject test claim, are, in my opinion, reimbursable "costs mandated by the State", as defined in Government Code section 17514:

" ' Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are therein stated as information or belief, and as to those matters I believe them to be true.

6/21/03; Los Angeles, CA  
Date and Place

*Leonard Kaye*  
Signature