

COMMISSION ON STATE MANDATES

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July 9, 2001

Leonard Kaye, Esq.
County of Los Angeles
Auditor-Controller's Office
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 525
Los Angeles, Ca 90012-2766

And Affected Parties and State Agencies (See Enclosed Mailing List)

Re: *Post Conviction: DNA Court Proceedings* – 00-TC-21
County of Los Angeles, Claimant
Penal Code Sections 1405 and 1417.9 as added by Statues of 2000, Chapter 821

Dear Mr. Kaye:

The Commission on State Mandates determined that the subject test claim submittal is complete. The test claim initiates the process for the Commission to consider whether the provisions listed above impose a reimbursable state-mandated program upon local entities. State agencies and interested parties are receiving a copy of this test claim because they may have an interest in the Commission's determination.

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?

Mr. Leonard Kaye

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The Commission requests your participation in the following activities concerning this test claim:

- **Informal Conference.** An informal conference may be scheduled if requested by any interested party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the enclosed test claim and to file written comments on the key issues before the Commission. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.
- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim will be set when the record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and before the hearing, a final staff analysis will be issued.
- **Mailing Lists.** Under section 1181.2 of the Commission's regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed on that claim with the Commission shall be simultaneously served on the other parties listed on the claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 2001, may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a test claim, the Commission will provide 150 days notice and opportunity for other parties to take over the claim.

WORKING BINDER: _____

CHRON: FILE: _____

DATE: 7/9/01 INITIAL: VS

MAILED: Mail List FAXED: _____

Mr. Leonard Kaye

July 9, 2001

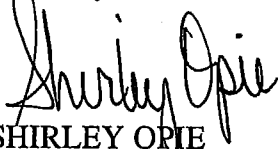
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If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of an amended test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,



SHIRLEY ORIE

Assistant Executive Director

Enclosures: Mailing List and Test Claim

Commission on State Mandates

List Date: 07/06/2001

Mailing Information

Mailing List

Claim Number 00-TC-21 Claimant County of Los Angeles

Subject Penal Code Sections 1405 and 1417.9 as added by Statues of 2000, Chapter 821

Issue Post Conviction: DNA Court Proceedings

Mr. Leroy Baca, Sheriff
Los Angeles Co. Sheriffs Department

4700 Ramona Boulevard
Monterey Park Ca 91754-2169

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

Interested Person

Harmeet Barkschat,
Mandate Resource Services

8254 Heath Peak Place
Antelope CA 95843

Tel: (916) 727-1350
FAX: (916) 727-1734

Interested Person

Executive Director,
California State Sheriffs' Association

P O Box 890790
West Sacramento Ca 95898

Tel: (916) 375-8000
FAX: (916) 000-0000

Mr. Glenn Haas, Bureau Chief (B-8)
State Controller's Office
Division of Accounting & Reporting
3301 C Street Suite 500
Sacramento CA 95816

Tel: (916) 445-8756
FAX: (916) 323-4807

State Agency

Mr. Ken Hughes,
Department of Corrections

P O Box 942883
Sacramento CA 94283-0001

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

Claim Number

00-TC-21

Claimant

County of Los Angeles

Subject

Penal Code Sections 1405 and 1417.9 as added by Statues of 2000, Chapter 821

Issue

Post Conviction: DNA Court Proceedings

Mr. Leonard Kaye, Esq.,
County of Los Angeles
Auditor-Controller's Office
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Los Angeles CA 90012

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FAX: (213) 617-8106

Claimant

Mr. Steve Keil,
California State Association of Counties

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FAX: (916) 441-5507

Interested Party

Mr. James Lombard, Principal Analyst (A-15)
Department of Finance

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Sacramento CA 95814

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State Agency

Mr. Manuel Medeiros, Asst. Attorney General (D-8)

Department of Justice
Government Law Section
1300 I Street 17th Floor
Sacramento CA 95814

Tel: (916) 324-5475
FAX: (916) 324-8835

Mr. Paul Minney,
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive
Sacramento Ca 95825

Tel: (916) 646-1400
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Interested Person

Mr. Keith B. Petersen, President
Sixten & Associates

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San Diego CA 92117

Tel: (858) 514-8605
FAX: (858) 514-8645

Interested Person

Subject

Penal Code Sections 1405 and 1417.9 as added by Statutes of 2000, Chapter 821

Issue

Post Conviction: DNA Court Proceedings

Ms. Sandy Reynolds, President (Interested Person)
 Reynolds Consulting Group, Inc.

P.O. Box 987
 Sun City CA 92586

Tel: (909) 672-9964
 FAX: (909) 672-9963

Interested Person

Mr. Steve Smith, CEO
 Mandated Cost Systems, Inc.

2275 Watt Avenue Suite C
 Sacramento CA 95825

Tel: (916) 487-4435
 FAX: (916) 487-9662

Interested Person

Jim Spano,
 State Controller's Office
 Division of Audits (B-8)
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 Sacramento CA 95814

Tel: (916) 323-5849
 FAX: (916) 324-7223

State Agency

Ms. Pam Stone, Legal Counsel
 DMG-MAXIMUS

4320 Auburn Blvd. Suite 2000
 Sacramento CA 95841

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

Interested Person

Mr. David Wellhouse,
 Wellhouse & Associates

9175 Kiefer Blvd Suite 121
 Sacramento CA 95826

Tel: (916) 368-9244
 FAX: (916) 368-5723

Interested Person