

April 4, 2025

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Mr. Oscar Valdez
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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Second Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date
Criminal Procedure: Discrimination, 24-TC-02
Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code Section 745 and 1473
County of Los Angeles, Claimant

Dear Mr. Hill, Mr. Lemus, and Mr. Valdez:

On December 19, 2024, the County of Los Angeles (claimant) filed the above-captioned Test Claim. Upon review, Commission on State Mandates (Commission) staff found the Test Claim to be incomplete, and on January 17, 2025, notified the claimant. On January 30, 2025, the claimant filed documents to cure the Test Claim. Upon review, Commission staff found this Test Claim to be complete and retained the original filing date of December 19, 2024, in accordance with section 1183.1(f) of the Commission's regulations (California Code of Regulations, Title 2). On February 18, 2025, Commission staff issued the Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date on the above-captioned matter based upon the pleading of Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code section 745.

Pursuant to additional legal review, Commission staff found that both Penal Code sections 745(j)(3) and 1473(e), as amended by Statutes 2022, chapter 739, were properly pled in the Narrative and Declaration but were not properly pled on the Test Claim Form. On March 12, 2025, Commission staff issued the Request for Clarification of Pleading and Second Notice of Incomplete Test Claim. On March 27, 2025, the claimant filed documents to cure the Test Claim. Upon review, Commission staff finds this Test Claim to be complete and retains the original filing date of December 19, 2024.

Specifically, the claimant filed a revised Test Claim Form which has replaced the Test Claim Form originally filed on December 19, 2024 in its entirety, adds Penal Code section 1473 in Section 4, and the Test Claim retains the original filing date of December 19, 2024 in accordance with section 1183.1(f) of the Commission's regulations (California Code of Regulations, Title 2).¹

¹ A test claim shall be submitted on or before June 30 following a fiscal year in order to establish eligibility for reimbursement for that fiscal year. The claimant may thereafter amend the test claim at any time, but before the test claim is set for a hearing, without

The Commission is now requesting parties, interested parties, and interested persons to comment on the amended Test Claim as specified below.

Review of Test Claim

Parties, interested parties, and interested persons receiving this letter are requested to analyze the merits of the Test Claim and to file written comments not later than **5:00 p.m. on May 5, 2025** in accordance with sections 1183.2 and 1181.3 of the Commission's regulations. Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) If representations of fact are made, they must be supported with documentary evidence filed with the comments on the test claim. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.² Hearsay evidence (such as declarations not based on personal knowledge but on information and belief alone) may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.³

Claimants' Rebuttal

Written rebuttals to written comments concerning this Test Claim may be filed and served in accordance with section 1181.3 of the Commission's regulations not later than 5:00 p.m. 30 days from service of the written comments. (Cal. Code. Regs., tit. 2 § 1183.3.) Oral or written representations of fact offered by any person shall be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant's personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) If new representations of fact are made, they must be supported with documentary evidence filed with the rebuttal. (Cal. Code. Regs., tit. 2 §§ 1183.3 and 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.⁴ Hearsay evidence (such as declarations not based on personal knowledge but on information and belief alone) may be used for the purpose of supplementing or

affecting the original filing date as long as the amendment substantially relates to the original test claim (Government Code section 17557(e)).

² Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

³ Title 2, California Code of Regulations, section 1187.5.

⁴ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.⁵

Process for Filing Comments

The Commission's regulations require that written materials filed with the Commission be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon prior approval of a written request to the executive director. (Cal. Code Regs., tit. 2, 1181.3(c)(2).)

If you would like to request an extension of time, please refer to section 1187.9(a) of the Commission's regulations.

Tentative Hearing Date

The public hearing on this amended Test Claim remains tentatively scheduled for **September 26, 2025**. The Draft Proposed Decision will be issued for comment at least eight weeks prior to the public hearing.

Very truly yours,



Juliana F. Gmur
Executive Director

⁵ Title 2, California Code of Regulations, section 1187.5.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 4, 2025, I served the:

- **Current Mailing List dated March 19, 2025**
- **Second Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued April 4, 2025**
- **Response to Request for Clarification of Pleading and Second Notice of Incomplete Test Claim filed March 27, 2025**
- **Test Claim filed by the County of Los Angeles (claimant) on December 19, 2024 revised on March 27, 2025.**

Criminal Procedure: Discrimination, 24-TC-02

Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code Section 745
County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 4, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/19/25

**Claim
Number:** 24-TC-02

Matter: Criminal Procedure: Discrimination

Claimant: County of Los Angeles

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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