



March 12, 2025

Mr. Fernando Lemus  
County of Los Angeles  
500 West Temple Street, Room 603  
Los Angeles, CA 90012

Mr. Oscar Valdez  
County of Los Angeles  
500 West Temple Street, Room 525  
Los Angeles, CA 90012

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

**Re: Request for Clarification of Pleading and Second Notice of Incomplete Test Claim**

*Criminal Procedure: Discrimination, 24-TC-02*

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

Dear 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 on the above-captioned matter based upon the pleading of Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code section 745.<sup>1</sup>

**Request for Clarification of Pleading and Second Notice of Incomplete Test Claim**

Government Code section 17553(b)(1) requires Test Claims to identify the *specific* sections of the executive order alleged to contain a mandate *and* a detailed description of the new activities mandated by the state. The *Test Claim Form* identifies Statutes 2022, Chapter 739, Section 1 (AB 256); Penal Code section 745.<sup>2</sup> The *Narrative* identifies Penal Code section 745(j)(3)<sup>3</sup> and section 1473(e).<sup>4</sup> In addition, the *Declaration* expressly identifies section 1473(e) as requiring that "the court 'shall' appoint counsel if the petitioner requests counsel and the petitioner cannot afford counsel."<sup>5</sup>

Therefore, pursuant to additional legal review, Commission staff finds that both Penal Code sections 745(j)(3) and 1473(e), as amended by Statutes 2022, chapter 739, are

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<sup>1</sup> Test Claim, page 2 (Test Claim Form).

<sup>2</sup> Test Claim, page 2 (Test Claim Form).

<sup>3</sup> Test Claim, page 10 (Narrative).

<sup>4</sup> Test Claim, page 10, footnote 3 (Narrative).

<sup>5</sup> Test Claim, page 17 (Declaration of Elizabeth Lashley-Haynes).

properly pled in the *Narrative* and *Declaration* but are not properly pled on the *Test Claim Form*.

If you intend to plead both Penal Code sections 745(j)(3) and 1473(e), as amended by Statutes 2022, chapter 739, please revise the *Test Claim Form* in *Section 4* to match the pleading in both the *Narrative* and *Declaration*.

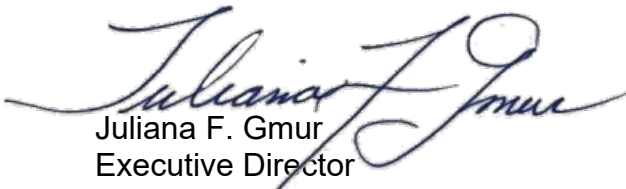
### **Retaining Your Original Filing Date**

To retain the original filing date of December 19, 2024, please file your revised *Test Claim Form* within 30 days of the date of this letter by **5:00 p.m. on April 11, 2025**. If a complete test claim is not received within 30 calendar days from the date of this letter, the executive director may disallow the original test claim filing date. (Cal. Code Regs., tit. 2, § 1183.1(f).)

As provided in the Commission's regulations, a real party in interest may appeal to the Commission for review of the actions and decisions of the executive director. Please refer to California Code of Regulations, title 2, section 1181.1(c).

You are advised that the revised Test Claim is required to be filed on a form prescribed by the Commission and shall be digitally signed, using the digital signature technology and authentication process contained within the Commission forms. Refer to <https://www.csm.ca.gov/dropbox.shtm> on the Commission's website for electronic filing instructions. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).) 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 approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(3).)

Very truly yours,



Juliana F. Gmur  
Executive Director

## 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 March 12, 2025, I served the:

- **Current Mailing List dated February 28, 2025**
- **Request for Clarification of Pleading and Second Notice of Incomplete Test Claim issued March 12, 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 March 12, 2025 at Sacramento, California.



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Jill Magee  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 2/28/25

**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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