

March 18, 2025

Juliana Gmur  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**RECEIVED**  
March 18, 2025  
**Commission on  
State Mandates**

### **Response to Test Claim 24-TC-02, Criminal Procedure: Discrimination**

Dear Director Gmur:

The Department of Finance has reviewed Test Claim 24-TC-02 submitted to the Commission on State Mandates (Commission) by the County of Los Angeles (Claimant) Office of the Public Defender. The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 739, Statutes of 2022 (Assembly Bill 256).

Chapter 317, Statutes of 2020 (AB 2542) added Penal Code section 745 to prohibit the state from seeking or obtaining a conviction or sentence on the basis of race, ethnicity, or national origin, in cases where judgment had not been entered prior to January 1, 2021.

Effective January 1, 2024, AB 256 amended Penal Code section 745 (j) (3) to apply its provisions retroactively to cases where judgment was entered prior to January 1, 2021. Under AB 256, persons with criminal convictions who are serving a sentence in state prison or county jail may file a motion (or petition for writ of habeas corpus) if they believe they were subject to discrimination in the criminal proceedings resulting in their convictions. The provisions of AB 256 apply to misdemeanor, felony, and juvenile delinquency cases, and cases where the death penalty has been imposed.

The Claimant alleges it incurred \$155,667 in state-mandated, reimbursable costs in fiscal year 2023-24 to represent persons with criminal convictions who file a petition to comply with Penal Code section 745 (j) (3). The Claimant estimates \$657,000 in these costs for 2024-25.

Finance asserts that any costs incurred by the Claimant in relation to AB 256 are not state-reimbursable pursuant to subdivision (g) of Government Code Section 17556, excerpted below, which provides that the Commission **shall not** find state reimbursable costs in a test claim that changes the penalty for a crime or infraction.

*The commission shall not find costs mandated by the state, as defined in Section 17514, in any claim submitted by a local agency or school district, if, after a hearing, the commission finds any one of the following: ...*

*(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.*

AB 256 authorizes a court to vacate an existing sentence and impose a new sentence when it finds that the original sentence had been imposed on discriminatory grounds. This authority to change sentences represents a change in the penalty for a crime or infraction and therefore falls within an established exception to the requirement for state reimbursement. For this reason, Finance believes the Commission should deny this test claim in its entirety.

If you have any questions regarding this letter, please contact Chris Hill, Principal Program Budget Analyst at (916) 445-3274.

Sincerely,

*Teresa Calvert*

TERESA CALVERT  
Program Budget Manager

## 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 19, 2025, I served the:

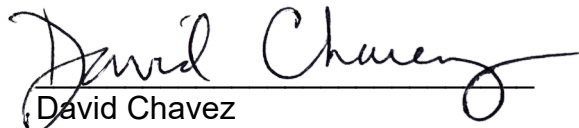
- **Current Mailing List dated March 18, 2025**
- **Finance's Comments on the Test Claim filed March 18, 2025**

*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 19, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates  
980 Ninth Street, Suite 300  
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(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/18/25

**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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