

August 19, 2025

Juliana Gmur  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
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Commission on  
State Mandates  
Filed Date  
08/19/2025

### **Test Claim 24-TC-07, Race-Blind Charging**

Dear Director Gmur:

The Department of Finance (Finance) has completed its review of test claim 24-TC-07 submitted to the Commission on State Mandates (Commission) by the City of Sacramento and the Counties of Santa Clara and Sutter (Claimants), in which the Claimants allege they incurred reimbursable, state-mandated costs associated with Chapter 806, Statutes of 2022 (Assembly Bill 2778).

Assembly Bill 2778 added Penal Code section 741 to require the Department of Justice to develop "Race-Blind Charging" guidelines. Beginning January 1, 2025, prosecuting agencies must use these guidelines to redact information from arrest reports and criminal history reports that can be used to identify the race of the suspects, victims, and witnesses.

The purpose of the redactions is to allow prosecuting agencies to use the redacted materials to make a race-blind initial charging evaluation. After the initial charging evaluation, the prosecuting agency shall make a second evaluation using unredacted materials, after which charges may be filed, dropped, or the case referred to the grand jury.

Penal Code section 741 requires prosecuting agencies to document each of the following as part of the case record:

- If the initial evaluation determined the case not be charged, and the second evaluation determined the case be filed.
- If the initial evaluation determined the case be charged, and the second evaluation determined the case not be filed.
- The explanation for the charging decision.

The documented change between the initial evaluation and the second review, and the explanation for the change, shall be disclosable upon request after sentencing in the case, or after all charges are dismissed. Counties are further required to collect the

data resulting from the initial race-blind evaluations, and to make the data available for research purposes.

Penal Code section 741 (c) (1) through (10), inclusive, states prosecuting agencies may remove or exclude certain classes of crimes or factual circumstances from a race-blind initial charging evaluation and also requires prosecuting agencies to make these lists publicly available. The crimes that may be excluded are:

- Homicides
- Hate crimes
- Charges involving a physical altercation caught on video
- Domestic violence and sex crimes
- Gang crimes
- Charges involving sexual assault, physical abuse, or neglect, where the charging decision involves a forensic interview of a child, or the interview of multiple witnesses or defendants
- Financial crimes where redaction is not practicable, or is cost-prohibitive, because of the volume of redactions
- Cases involving public integrity, including conflict of interest crimes
- Cases where the prosecuting agency itself investigated the alleged crime or participated in the pre-charging investigation
- Cases where charges arose from a grand jury indictment, or where the prosecuting agency initiated the charging and filing of the case via a grand jury indictment

The Claimants state as follows:

- Santa Clara County states it first incurred increased costs of \$2,016,722.70 in 2024-25 to perform the activities mandated by Penal Code 741. The County estimates full-year costs in 2025-26 of \$4,281,028.84.
- Sutter County states it first incurred increased costs of \$39,160 in 2024-25 to perform the activities mandated by Penal Code 741. The County estimates full-year costs in 2025-26 of \$21,120.
- The City of Sacramento states it first incurred increased costs of \$122,277.60 in 2024-25 to perform the activities mandated by Penal Code 741. The City estimates full-year cost in 2025-26 of \$244,555.20.

If the Commission determines AB 2778 imposes state-mandated, reimbursable costs on local agencies, Finance asserts the Commission should ensure reimbursement is not provided for the crimes or factual circumstances detailed in Penal Code section 741 (c) (1) through (10), inclusive, where it is at the prosecuting agency's discretion to elect to employ the race-blind initial charging evaluation. Given that application of a race-blind initial charging evaluation process in these instances is not statutorily mandated, the associated costs are not state-reimbursable.

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

Sincerely,

*Rosanna Nguyen*

ROSANNA NGUYEN

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 August 19, 2025, I served the:

- **Current Mailing List dated August 18, 2025**
- **Finance's Comments on the Test Claim filed August 19, 2025**
- **California District Attorneys Association's (CDAA) Comments on the Test Claim filed August 18, 2025**

*Race-Blind Charging, 24-TC-07*

Statutes 2022, Chapter 806, Section 2 (AB 2778); Penal Code Section 741(b), effective January 1, 2023

City of Sacramento, County of Santa Clara, and County of Sutter, Claimants

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 August 19, 2025 at Sacramento, California.



David Chavez

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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/18/25

**Claim Number:** 24-TC-07

**Matter:** Race-Blind Charging

**Claimants:** City of Sacramento  
County of Santa Clara  
County of Sutter

### 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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