

Monday, August 25, 2025

Commission on State Mandates  
980 9<sup>th</sup> Street, Suite 300  
Sacramento, CA 95814

**Commission on  
State Mandates**

**Filed Date**

**August 25, 2025**

**RE: Race-Blind Charging. 24-TC-07.**

Dear Chair Stephenshaw and Members of the Commission on State Mandates,

The California State Association of Counties (CSAC) submits this comment letter regarding the test claim submitted by Santa Clara County, Sutter County and the City of Sacramento (claimants) for Chapter 806, Statutes of 2022 (Assembly Bill [2778](#), McCarty). The primary purpose of CSAC is to represent county government before the California Legislature, California administrative agencies, and the federal government. This includes advocating on the value and need for county programs and services and for adequate funding to provide those services. CSAC submits this letter in accordance with the Commission's July 24, 2025 "[Notice](#) of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date" which states that written comments may be submitted until 5:00pm on Monday, August 25, 2025. CSAC wishes to provide the subsequent comments in support of test claim 24-TC-07 submitted by the claimants on June 10, 2025.

As thoroughly examined in the test claim, the requirements of AB 2778 (Penal Code section 741) create a new program for local agencies that was freely imposed by the state. The activities required therein, in the interest of reducing racial bias within the state's criminal justice system, are unique to prosecuting local governmental agencies and do not affect the private sector, nor are these newly required activities the result of carrying out federal requirements or voter-approved statewide initiatives. Further, at this time, CSAC is not aware of any offsetting revenue dedicated to these newly mandated activities that would be deducted from the costs claimed by local agencies.

Critically, the race-blind charging procedures prescribed in Penal Code section 741 for initial charging evaluations do not define a new crime, change an existing definition of a crime, or change the penalty for a crime or infraction. An initial charging assessment is an evaluative process used to determine whether a person should be formally charged with a crime. While

the process for an initial charging assessment is amended by the test claim statute to reduce racial bias, should that person ultimately be charged with a crime, the definition of the crime and the range of penalties for their crime or infraction is unchanged. In this manner, the test claim submitted for race-blind charging is not unlike the previously approved test claim for the racial and identity profiling ([18-TC-02](#)), which also mandated new activities in the interest of reducing racial discrimination and included similar data reporting requirements to the state.

For these reasons, CSAC urges the Commission to approve the test claim as submitted. Thank you for your consideration of our comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacqueline Wong-Hernandez". The signature is fluid and cursive, with the first name "Jacqueline" being more prominent.

Jacqueline Wong-Hernandez  
Chief Policy Officer

## **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 26, 2025, I served the:

- **Current Mailing List dated August 22, 2025**
- **California State Association of Counties' (CSAC) Comments on the Test Claim filed August 25, 2025**
- **District Attorneys' Comments on the Test Claim filed August 25, 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 26, 2025 at Sacramento, California.



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## Mailing List

**Last Updated:** 8/22/25

**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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