

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

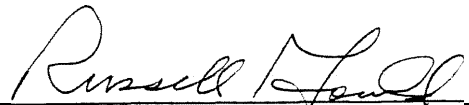
Claim of:)
)
)
)
County of Fresno) CSM 4316
Claimant) Chapter 1499, Statutes of 1987
) Juvenile Felony Arrests
)
)
_____)

DECISION

The attached Proposed Statement of Decision of the Commission on State Mandates is hereby adopted by the Commission on State Mandates as its decision in the above-entitled matter.

This Decision shall become effective on March 23, 1989.

IT IS SO ORDERED March 23, 1989.



Russell Gould, Chairperson
Commission on State Mandates

BEFORE THE
COMMISSION ON STATE MANDATES

Claim of:)
)
)

County of Fresno)
Claimant)

No. CSM-4376
Chapter 1499, Statutes of 1987
Juvenile Felony Arrests II

PROPOSED DECISION

This claim was heard by the Commission on State Mandates (commission) on February 23, 1989, in Sacramento, California, during a regularly scheduled hearing.

Evidence both oral and documentary having been introduced, the matter submitted, and vote taken, the commission finds:

I.

NOTE

1. The finding of a reimbursable state mandate does not mean that all increased costs claimed will be reimbursed. Reimbursement, if any, is subject to commission approval of parameters and guidelines for reimbursement of the claim, and a statewide cost estimate; a specific legislative appropriation for such purpose; a timely-filed claim for reimbursement; and subsequent review of the claim by the State Controller,

II.

FINDINGS AND CONCLUSIONS

1. The test claim was filed with the Commission on State Mandates on September 6, 1988, by the County of Fresno.
2. The subject of the claim is Chapter 1499, Statutes of 1987.

3. Chapter 1088, Statutes of 1982, which added sections 653 and 653.5 to the W&I Code was found by the Board of Control to contain a reimbursable state mandate.
4. Chapter 134, Statutes of 1987, repealed Welfare and Institution Code section 653.1 and amended Welfare and Institution Code section 653.5 to repeal the mandate found in Chapter 1088, Statutes of 1982.
5. Chapter 1499, Statutes of 1987, added sections 653.1 and 653.5(c) to the Welfare and Institutions Code.
6. California Rule of Court 1308(c) states:

"Notwithstanding the provisions of subdivision (b), the probation officer shall take to the prosecuting attorney, within 48 hours, any affidavits requesting prosecution of a minor if it appears to the probation officer that:

"(1) the minor has been referred to the probation officer for violation of an offense listed in subdivision (b) of Section 707.

"(2) the minor is under the age of 16 on the date of the alleged offense and the referral is the second referral on account of a felony; or

"(3) the minor is 16 years of age or older on the date of the offense and that the offense and the referral is for a felony.

"The provisions of this subdivision do not apply to narcotics and drug offenses listed in Penal Code section 1000."

7. Government Code Section 17514 defines costs mandated by the state as any increased costs which a local agency . . . is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, . . . which mandates a . . . higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.
8. The County of Fresno has demonstrated that it has incurred increased costs that were mandated by the state.
9. None of the requisites for denying a claim, specified in Government Code Section 17556, were established.

111.

DETERMINATION OF ISSUES

1. The Commission has the authority to decide this claim under the provisions of Government Code Section 17551.
2. Chapter 1499, Statutes of 1987 imposed a reimbursable state mandate upon counties. The County of Fresno has established that Welfare and Institutions Code sections 653.1 and 653.5(c) as added by Chapter 1499, Statutes of 1987, increased the level of service of an existing program by requiring the district attorney to review specified juvenile cases that may not have been referred to the district attorney prior to the reenactment of these sections of the Welfare and Institutions Code.
3. The issue of a potential state mandate being contained in California Rule of Court 1308(c) was determined not to be an issue that was relevant to the determination of this test claim.

DECLARATION OF SERVICE BY MAIL

Case Name: JUVENILE FELONY ARRESTS II CSM-4316

I declare that I am employed in the County of Sacramento, California. I am 18 years of age or older and not a party to the within entitled cause. My business address is 1130 K Street, Suite LL-50, Sacramento, California 95814.

On March 28, 1989, I served the attached:
(Date)

DECISION OF MARCH 23, 1989

in said cause, by placing in the Commission on State Mandates' mail container a true copy of the decision enclosed in a sealed envelope for pick up by the State Department of General Services mail messenger for transmittal to tile United States mail at Sacramento, California, addressed as follows:

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Department of Finance
915 L Street, 6th Floor
Sacramento, CA 95814

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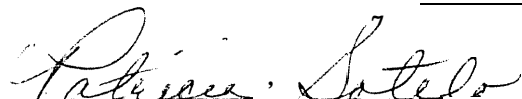
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I declare under penalty of perjury the foregoing is true and correct, and that this declaration was executed at Sacramento, California on March 28, 1989.
(Date)

Patricia Sotelo
(Typed Name)


(Signature)