



Received
June 28, 2011
Commission on
State Mandates

JOHN CHIANG
California State Controller
Division of Accounting and Reporting

June 28, 2011

Mr. Drew Bohan
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: **Proposed Parameters and Guidelines**
Identity Theft, 03-TC-08
Penal Code Section 530.6, subdivision (a)
Statutes 2000, Chapter 956
City of Newport Beach, Claimant

Dear Mr. Bohan:

We have reviewed the proposed parameters and guidelines drafted by your office. Below are our comments and recommendations. Proposed additions are underlined and deletions are indicated with strikethrough as follows:

II. ELIGIBLE CLAIMANTS

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Any city, county, ~~and~~ or city and county whose law enforcement agency incurs increased costs as a result of this reimbursable state-mandated program is eligible to claim reimbursement of these costs.

COMMENT: Change "and" to "or".

III. REIMBURSABLE ACTIVITIES

Pages 7-8

- A. Take a police report supporting a violation of Penal Code section 530.5 which includes information regarding the personal identifying information involved and any uses of that personal identifying information that were non-consensual and for an unlawful purpose, including, if available, information surrounding the suspected identity theft, places where the crime(s) occurred, and how and where the suspect obtained and used the personal identifying information. This activity includes drafting, reviewing, and editing the identity theft police report.
- B. Begin an investigation of the facts, including the gathering of facts sufficient to determine where the crime(s) occurred and what pieces of personal identifying information were

used for an unlawful purpose. The purpose of the investigation is to assist the victims in clearing their names. Reimbursement is not required to complete the investigation for purposes of criminal prosecution.

~~C. Draft, review, and edit the identity theft report.~~

Providing a copy of the report to the complainant is not reimbursable under this program. Referring the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts is not reimbursable under this program.

COMMENT: The change proposed by Cost Recovery Systems merely clarifies the nature of the reimbursable activity to "Take a police report supporting a violation of Penal Code section 530.5". It should be included under heading "A". We also recommend adding the statement about "Referring the matter" to clarify the activities that are not reimbursable based on the Statement of Decision adopted by the Commission on March 27, 2009.

VI. RECORDS RETENTION

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COMMENT: The title should read "RECORD RETENTION" to be consistent with current boilerplate.

Should you have any questions regarding the above, please contact Carlos Garcia at (916) 323-0766, or e-mail to cegarcia@sco.ca.gov.

Sincerely,



JAY LAL, Manager
Local Reimbursements Section