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March 07, 2022
**Commission on
State Mandates**

Gavin Newsom ■ Governor

915 L Street ■ Sacramento CA ■ 95814-3706 ■ www.dof.ca.gov

March 7, 2022

Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Response to Test Claim 21-TC-01, Juveniles: Custodial Interrogation

Dear Ms. Halsey:

The Department of Finance has reviewed Test Claim 21-TC-01 submitted to the Commission on State Mandates (Commission) by the County of Los Angeles (Claimant). The Claimant alleges there are state-mandated, reimbursable costs associated with Chapter 335, Statutes of 2020 (SB 203).

SB 203 amended Welfare and Institutions Code section 625.6 to require that youths aged 17 years or younger must consult with legal counsel by specified means before custodial interrogation and before the waiver of Miranda rights. Prior to enactment of SB 203, statute (as added by Chapter 681, Statutes of 2017) required these services only be provided to youths aged 15 years or younger. SB 203 requires this service to also be provided to youths aged 16 or 17 years old. The bill also specifies the consultation cannot be waived.

As a result of complying with SB 203, the Claimant is seeking reimbursement for the increased cost incurred to provide legal counsel to youth aged 17 years old and younger. The Claimant estimates its Office of the Public Defender (Public Defender) incurred a cost of \$5,821.45 to comply with SB 203 in fiscal year 2020-21 and will incur a cost of \$13,000 for compliance in fiscal year 2021-22. Additionally, the Claimant estimates the annual statewide cost for local agencies to comply with SB 203 to be \$6,427,500.

Finance recommends the Commission examine the estimated costs cited by the Claimant to ensure they only include the increased cost of providing legal counsel to youth ages 16 and 17 years old. Per Government Code section 17551(c), a local agency must file a test claim no later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later. The legislation (SB 395) that created the requirement to provide legal counsel to youth aged 15 years old and younger was, as noted above, enacted in 2017. The statutory timeline for seeking reimbursement for costs incurred due to SB 395 has passed; therefore, local agencies are no longer legally

allowed to claim reimbursement for the costs incurred to provide legal counsel to youth aged 15 years and younger. Finance notes the Claimant's statewide cost estimate is based on **all** juvenile arrests in the state, as reported by the California Department of Justice in 2020. As mentioned above, the costs for this test claim should be narrowly focused on the increase in the maximum age from 15 years old to 17 years old.

Finance also recommends the Commission review this test claim while considering the requirements of Chapter 92, Statutes of 2020 (AB 1869). AB 1869 repealed various criminal administrative fines and fees, including the public defender fee. To backfill counties for the lost fee revenue, \$65 million General Fund is appropriated annually through 2025-26. The revenue provided to the Claimant by the state pursuant to AB 1869 may serve as an offset to any state-mandated costs incurred by the Claimant, if the Commission should determine SB 203 does impose reimbursable, state-mandated costs on the Claimant.

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 7, 2022, I served the:

- **Finance's Comments on the Test Claim filed March 7, 2022**

Juveniles: Custodial Interrogation, 21-TC-01

Welfare and Institutions Code Section 625.6; Statutes 2020, Chapter 335, Section 2 (SB 203)

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 7, 2022 at Sacramento, California.



Lorenzo Duran
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 2/1/22

Claim Number: 21-TC-01

Matter: Juveniles: Custodial Interrogation

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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