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**Commission on
State Mandates**

Gavin Newsom ■ Governor

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

January 6, 2023

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

Test Claim 21-TC-03, Sex Offenders Registration: Petitions for Termination

Dear Director Halsey:

The Department of Finance (Finance) has completed its review of test claim 21-TC-03 submitted to the Commission on State Mandates (Commission) by the County of Los Angeles (Claimant), in which the Claimant alleges it incurred reimbursable, state-mandated costs associated with Chapter 541, Statutes of 2017 (SB 384). For the reasons detailed below, Finance asserts the Commission should deny the test claim.

SB 384 made changes to the statutes governing the penalties for persons convicted of specified sex offenses. Prior to the enactment of SB 384, Penal Code (PC) Section 290 required that persons convicted of specified sex offenses register with the police department or the sheriff's department in whose jurisdiction they resided, and that this registration be maintained for the rest of their life or until they moved from California.

The lifetime registration requirement was one of the penalties imposed for committing the triggering offenses, with the intent being to prevent the offenders from recommitting the same or similar offenses by making their presence known to law enforcement and to the broader community. The preventative effect of this penalty is enhanced by PC Section 290.46, which requires the California Department of Justice to make available on a public internet website specified identifying information, including the name, photograph, and address or community of residence and Zip Code, of sex offenders required to register pursuant to PC Section 290. That the registration requirement is a penalty for the triggering offenses is substantiated by the fact that the registration requirement only applies to a person who committed those offenses.

SB 384 created a tiered sex offender registration system effective January 1, 2021. Under this new system, the length of time that a sex offender must register with law enforcement and have their information disclosed on the Department of Justice website varies depending on the offense and the severity of the offense. The registration penalty for sex offenders now varies from 10 years, 20 years, or life, with various adjustments, as specified in statute.

The Claimant alleges it incurred \$316,299 in state-mandated, reimbursable costs in 2021-22 to implement the new tiered registration system, and \$610,693 in such costs in 2022-23, for a total of \$926,992. The Claimant alleges these costs were incurred by the Los Angeles Sheriff's Department (\$55,112), the Los Angeles District Attorney's Office (\$492,945) and the Los Angeles Public Defender (\$378,935).

Finance asserts any costs incurred by the Claimant in relation to SB 384 are not state-reimbursable pursuant to subdivision (g) of Government Code Section 17556, excerpted below. This subdivision states the Commission shall not find reimbursable costs mandated by the state in a test claim that changes the penalty for a crime or infraction.

(g) The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

The changes in the sex offender registry system clearly change the penalty for a crime or infraction, and these changes relate directly to the enforcement of the crime or infraction. Consequently, the Commission should deny this test claim in its entirety.

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

Sincerely,



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 January 6, 2023, I served the:

- **Finance's Comments on the Test Claim filed January 6, 2023**

Sex Offenders Registration: Petitions for Termination, 21-TC-03
Statutes 2017, Chapter 541, Section 12 (SB 384), effective January 1, 2018,
operative July 1, 2021
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 January 6, 2023 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 1/5/23

Claim Number: 21-TC-03

Matter: Sex Offenders Registration: Petitions for Termination

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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