

Parameters and Guidelines

Penal Code § 853.6
Chapter 1105, Statutes of 1992

Misdemeanors: Booking and Fingerprinting

I. Summary of Mandate

Chapter 1105, Statutes of 1992, amended Penal Code § 853.6 to revise the process for booking and fingerprinting of persons arrested for a misdemeanor. The Commission concluded that only the portion of Penal Code section 853.6, subdivision (g), related to the verification procedure imposed a new program or a higher level of service in an existing program within the meaning of section 6 of article XIIIIB of the California Constitution and Government Code section 17514. The Commission concluded that this verification procedure is a new program or a higher level of service in an existing program imposed upon local agencies, but that this new program or higher level of service in an existing program is very limited in scope. The Commission concluded that this verification procedure requires the arresting agency, at the time of booking or fingerprinting, to provide the arrested person with verification of the booking or fingerprinting by either making an entry on the citation or providing the arrested person a verification form established by the arresting agency.

II. Commission on State Mandates' Decision

At its hearing of January 20, 1994, the Commission found a reimbursable state mandated program in the verification requirements of Penal Code section 853.6, subdivision (g). The Commission adopted the Statement of Decision on this mandate on February 24, 1994.

III. Eligible Claimants

Local law enforcement agencies with the authority to make misdemeanor arrests.

IV. Period of Reimbursement

Chapter 1105, Statutes of 1992, became operative January 1, 1993. Government Code § 17557 states that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed by the City of Santa Barbara on October 15, 1993. Therefore, reimbursement claims may be filed for costs incurred on or after January 1, 1993.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent fiscal year may be included in the same claim, if applicable. Pursuant to Government Code § 17561, subdivision (d), subpart (3), all claims for reimbursement of costs shall be submitted within 120 days of notification by the State

Controller of the enactment of the claims bill.

If the total costs for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided by Government Code § 17564.

V. Reimbursable Costs

A. Scope of Mandate

Cities and counties shall be reimbursed for the increased costs which they are required to incur to provide the arrested person, at the time of booking or fingerprinting, with verification of the booking or fingerprinting by either making an entry on the citation or providing the arrested person a verification form established by the arresting agency.

B. Reimbursable Activities

For each eligible claimant, the following is reimbursable:

1. Implementation Costs

Allowable costs include preparation of the verification form established by the arresting agency and job-required training for the local agency personnel limited to the correct use of the form or making an entry on the citation.

2. Ongoing Annual Costs

Allowable costs include all reasonably necessary costs incurred by the local agency to complete and provide the arrestee with a document which verifies that he/she has been booked or fingerprinted.

VI. Claim Preparation

Each claim for reimbursement pursuant to this mandate must be timely filed and set forth a listing of each item for which reimbursement is claimed under this mandate.

A. Employee Salaries and Benefits

Show the name of the employee involved, the classification of the employee involved, mandated functions performed, number of hours devoted to the function, productive hourly rate and benefits. In lieu of actual hours, the average number of hours devoted to each function may be claimed if supported by a documented time study.

B. Materials and Supplies

Only expenditures which can be identified as a direct cost as a result of the mandate can be claimed. List cost of materials or equipment acquired which have been consumed or expended specifically for the purposes of this mandate. Travel expenses incurred related to required activities are reimbursable and must be documented.

C. Allowable Overhead Costs

Claimants have the option of calculating indirect costs at ten percent (10%) of the direct labor costs or of preparing a departmental indirect cost rate proposal. If the claimant elects to prepare an indirect cost rate proposal, the proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (OMB A-87).

VII. Supporting Data

For auditing purposes, all costs claimed shall be traceable to source documents (i.e., employee time records, invoices, receipts, purchase orders, contracts, worksheets, etc.) that show evidence of and validity of claimed costs. All documentation supporting such costs shall be made available to the State Controller or his agent, as may be requested, during the record retention period specified in Government Code § 17558.5, subdivision (a).

Government Code § 17558.5, subdivision (a), requires that all supporting source documents and worksheets must be kept on file not less than four years after the end of the calendar year in which the reimbursement claim is filed or last amended, unless no funds are appropriated for the program for the fiscal year for which the claim is made, in which case, the four year retention period shall commence to run from the date of initial payment of the claim.

VIII. Offsetting Savings and Other Reimbursements

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for the costs of these mandated activities received from any source, e. g . , federal, state, etc., shall be identified and deducted from this claim.

IX. State Controller's Office Required Certification

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those costs mandated by the statute for which reimbursement is requested.