

COMMISSION ON STATE MANDATES

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September 26, 2007

Mr. Keith B. Petersen
SixTen & Associates
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Sacramento, CA 95834

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

RE: Removal of Test Claim from Hearing Calendar

Crime Statistics Reports (K-14), 02-TC-12

Santa Monica Community College District, Claimant

Penal Code Sections 646.91, 12028, 12028.5, 13012, 13014, 13020, 13021, 13023, 13700, 13701, 13702, 13710, 13730 and Family Code Sections 6240, 6250, 6250.5

Statutes 1979, Chapters 255 and 860 (SB 281 & AB 1421); Statutes 1980, Chapter 1340 (SB 1447); Statutes 1982, Chapter 142 (SB 561) and Resolution Chapter 147 (SCR 64);

Statutes 1984, Chapter 1609 (SB 1472); Statutes 1989, Chapter 1172 (SB 202); Statutes 1992, Chapter 1338 (SB 1184); Statutes 1993, Chapter 1230 (AB 2250); Statutes 1995, Chapters 803 and 965 (AB 488 & SB 132); Statutes 1996, Chapters 872 and 1142 (AB 3472 & SB 1797);

Statutes 1998, Chapter 933 (AB 1999); Statutes 1999, Chapters 561, 659, 661, and 662 (AB 59, SB 355, AB 825, & SB 218); Statutes 2000, Chapters 254, 626, and 1001 (SB 2052, AB 715, & SB 1944); Statutes 2001, Chapters 468 and 483 (SB 314 & AB 469); Statutes 2002, Chapter 833 (SB 1807); Manual of the California Department of Justice, Criminal Statistics Reporting Requirements, March 2000

Dear Mr. Petersen:

The above-named test claim filed by the Santa Monica Community College District is being removed from the 2007-2008 Hearing Calendar and will be rescheduled at a later date.

An analysis of this test claim would require consideration of whether community college districts and school districts are eligible for reimbursement of costs incurred by their police departments under article XIII B, section 6 of the California Constitution. This issue is currently being litigated.

On July 3, 2007, the Superior Court (Case No. 07CS00079) issued its Ruling on Submitted Matter denying the petition for writ of mandate and affirming the Commission's decision that community college districts and school districts are eligible for reimbursement under the Peace Officer's Procedural Bill of Rights (POBOR). The court agreed that school districts, community college districts, and special districts are mandated by the state to comply with the POBOR requirements.

On September 6, 2007 this decision was appealed to the Third District Court of Appeal (Case No. C056833).

Mr. Keith Petersen
September 26, 2007
Page 2

Because of the appeal, the Commission is unable to schedule this test claim for hearing until there is a final court decision in *Department of Finance v. Commission on State Mandates*.

If you have questions on the above, please contact Eric Feller at (916) 323-8221.

Sincerely,

A handwritten signature in black ink that reads "Paula Higashi". The signature is written in a cursive, flowing style.

PAULA HIGASHI
Executive Director

cc: Mailing list (enclosed)

Commission on State Mandates

Original List Date: 2/19/2003
Last Updated: 4/26/2007
List Print Date: 09/26/2007
Claim Number: 02-TC-12
Issue: Crime Statistics Reports (K-14)

Mailing Information: Other

Mailing List

TO ALL PARTIES AND INTERESTED PARTIES:

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, § 1181.2.)

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