

COMMISSION ON STATE MANDATES

980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csmInfo@csm.ca.gov



February 10, 2009

Ms. Hasmick Yaghobyan
County of Los Angeles
Department of Auditor-Controller
500 West Temple Street, Room 603
Los Angeles, CA 90012

Mr. Dick Reed
Peace Officer Standards and Training (B-8)
Administrative Services Division
1601 Alhambra Boulevard
Sacramento, CA 95618-7083

Ms. Ginny Brummels
Division of Accounting and Reporting
State Controller's Office
3301 C Street, Suite 501
Sacramento, CA 95816

Ms. Sharon K. Joyce
Department of Corrections and Rehabilitation
Legal Affairs Division
P.O. Box 942883
Sacramento, CA 94283

Ms. Carla Castaneda
Department of Finance
915 L Street, 12th Floor
Sacramento, CA 95814

Ms. Cynthia Rodriguez
Department of Mental Health (A-31)
1600 9th Street, Room 153
Sacramento, CA 95814

Ms. Karen Pank
Chief Probation Officers of California
921 11th Street
Sacramento, CA 95814

And: Interested Parties
(see enclosed mailing list)

Re: Notice of Complete Test Claim Filing and Schedule for Comments

State Authorized Risk of Assessment Tool for Sex Offenders (SARATSO), 08-TC-03

On January 28, 2009, a test claim was filed on the above named program by the County of Los Angeles, Claimant. Following initial review, the Commission staff found the test claim to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim as specified in the enclosed notice.

Please contact Heidi Palchik at (916) 323-8218 if you have questions.

Sincerely,


PAULA HIGASHI
Executive Director

Enclosures:

Notice of Complete Test Claim Filing and Schedule for Comments
Copy of Test Claim (state agencies only)
Mailing List

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Statutes of 2006, Chapter 337 (SB 1128) amending Sections 290, 290.3, 290.46, 1203, 1203c, 1203.6, 1203.075, to add Sections 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 1203e, 1203f; Statutes of 2006, Chapter 886 (SB 1849), amending Sections, 290.46, 1202.8 and to repeal Sections 290.04, 290.05 and 290.06 of the Penal Code; Statutes of 2006, Chapter 336 (SB 1178) amending Sections 1202.8 and add Sections 290.04, 290.05 and 290.06 of the Penal Code; Statutes of 2007, Chapter 579 (SB 172) amending Sections 290.04, 290.05, 290.03 adding Sections 290.011, 290.012 and to repeal and add Section 290 to the Penal Code, relating to Sex Offenders and California Department of Mental Health's Executive Order, SARATSO (State Authorized Risk Assessment Tool for Sex Offenders) Review Committee Notification, issued February 1, 2008

Filed on January 28, 2009

By the County of Los Angeles, Claimant.

No. 08-TC-03

State Authorized Risk of Assessment Tool for Sex Offenders (SARATSO)

NOTICE OF COMPLETE TEST CLAIM FILING AND SCHEDULE FOR COMMENTS (Gov. Code, § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g), & 1183.02)

**TO: Department of Corrections and Rehabilitation
Department of Mental Health
Commission on Peace Officer Standards and Training
Department of Finance
State Controller's Office
Chief Probation Officers of California
Interested Parties**

On January 28, 2009, the County of Los Angeles, Claimant, filed a test claim on the above-described statutes and/or executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim is complete. Within the next few days, a pdf file of the test claim will be

posted on the Commission's website under "For Public Comment." The test claim will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181.

COMMENT PERIOD

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim - State agencies are requested to analyze the test claim merits and to file written comments within 30 days, or no later than **March 12, 2009**. Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 1181.1, subdivision (g) of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

HEARING AND STAFF ANALYSIS

A tentative hearing date for the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to section 1183.07 of the regulations. Before the hearing, a final staff analysis will be issued.