



April 28, 2023

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April 28, 2023
*Commission on
State Mandates*

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

Test Claim 22-TC-02, Resentencing to Remove Sentencing Enhancements

Dear Director Halsey:

The Department of Finance (Finance) has completed its review of test claim 21-TC-02 submitted to the Commission on State Mandates (Commission) by the County of San Diego (Claimant), in which the Claimant alleges it incurred reimbursable, state-mandated costs associated with Chapter 728, Statutes of 2021 (Senate Bill 483). For the reasons detailed below, Finance asserts the Commission should deny the test claim.

Prior to 2018, Health & Safety Code section 11370.2 required a one-year sentence enhancement for each prior separate prison term or county jail felony term served by a defendant for certain nonviolent felonies. Prior to 2020, Penal Code section 667.5 required a three-year sentence enhancement for each prior conviction of specified controlled substance crimes. Senate Bills (SB) 180 and 136 repealed both sentence enhancements for persons sentenced after 2018 and 2020, respectively.

Effective January 1, 2022, SB 483 created a new process to apply the sentence enhancement repeals retroactively by resentencing certain persons currently serving a sentence that is comprised, at least in part, of a type of sentence enhancement that was repealed in either 2018 or 2020.

The Claimant alleges it incurred \$499,237 in state-mandated, reimbursable costs in fiscal year 2022-23 to identify inmates potentially eligible for resentencing, to gather relevant evidence and to represent individuals and the state during the hearings mandated by SB 483. In addition, the Claimant expects \$287,790 in such costs in fiscal year 2023-24, for a total of \$787,029.

Finance asserts any costs incurred by the Claimant in relation to SB 483 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 sentencing changes mandated by SB 483 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

TERESA CALVERT
Program Budget Manager

Recipient's Email Address

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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.

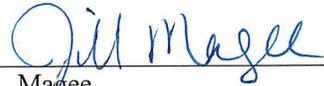
On April 28, 2023, I served the:

- **Finance's Comments on the Test Claim filed April 28, 2023**

Resentencing to Remove Sentencing Enhancements, 22-TC-01
Statutes 2021, Chapter 728 (SB 483); Penal Code Sections 1171 and 1171.1
(now codified at Penal Code sections 1172.7 and 1172.75); effective
January 1, 2022
County of San Diego, 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 April 28, 2023 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/11/23

Claim Number: 22-TC-02

Matter: Resentencing to Remove Sentencing Enhancements

Claimant: County of San Diego

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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