



**2024-2025**  
**CAL CITIES OFFICERS**

August 19, 2025

**President**

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Mayor Pro Tem,  
Rancho Cucamonga

Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814

**First Vice President**

Gabe Quinto  
Mayor Pro Tem  
El Cerrito

**Re: Support for Test Claim 24-TC-07 – Implementation of Race-Blind  
Charging Pursuant to AB 2778**

Dear Commissioners:

**Second Vice President**

Teresa Acosta  
Council Member  
Carlsbad

On behalf of the League of California Cities, we write in support of Test Claim 24-TC-07, filed by the County of Sutter, the County of Santa Clara, and the City of Sacramento.

**Immediate Past President**

Daniel T. Parra  
Council Member  
Fowler

**AB 2778, Adding Section 741 to the California Penal Code, Contains Costs  
Mandated by the State.**

**Executive Director  
and CEO**

Carolyn M. Coleman

Section 3 of AB 2778 states: "If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code."

Penal Code section 741 establishes a first-of-its-kind mandate that prosecuting agencies conduct a race-blind review prior to filing charges. Specifically, Penal Code section 741 requires:


- Redacting all race-identifying information from police and criminal history reports (Pen. Code, §§ 741(a), 741(b)(1));
- Conducting an initial charging decision based solely on the redacted information (Pen. Code, § 741(b)(2));
- Performing a second review of the unredacted reports, documenting any changes in the charging decision and the reasons for those changes (Pen. Code, § 741(b)(3)–(4)); and
- Collecting and maintaining detailed data on charging decisions for research purposes (Pen. Code, § 741(b)(6)).



In sum, every municipality in California that prosecutes criminal cases must comply with Penal Code section 741, and Penal Code section 741 expressly requires that prosecuting agencies engage in new and additional processes. In turn, these processes necessarily engender new costs. Therefore, it is the opinion of Cal Cities that AB 278 contains costs mandated by the state and that reimbursement to local agencies is warranted. (See *Coast Community College Dist. v. Com. on State Mandates* (2022) 13 Cal.5th 800; *County of San Diego v. Com. on State Mandates* (2003) 91 Cal.App.5th 625; *Hayes v. Com. on State Mandates* (1992) 11 Cal.App.4th 1564.)

Thank you for your consideration.

Respectfully submitted,

  
Kurt Wendlenner (Aug 19, 2025 13:42:54 PDT)

Kurt Wendlenner  
Assistant General Counsel  
League of California Cities

## **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 August 21, 2025, I served the:

- **Current Mailing List dated August 18, 2025**
- **League of California Cities' Comments on the Test Claim filed August 19, 2025**

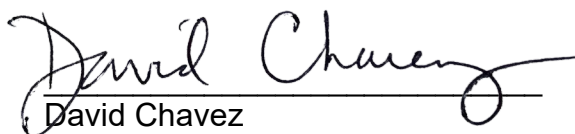
*Race-Blind Charging, 24-TC-07*

Statutes 2022, Chapter 806, Section 2 (AB 2778); Penal Code Section 741(b), effective January 1, 2023

City of Sacramento, County of Santa Clara, and County of Sutter, Claimants

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 August 21, 2025 at Sacramento, California.

A handwritten signature in black ink that reads "David Chavez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David Chavez  
Commission on State Mandates  
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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 8/18/25

**Claim Number:** 24-TC-07

**Matter:** Race-Blind Charging

**Claimants:** City of Sacramento  
County of Santa Clara  
County of Sutter

### 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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