

LETTER FROM DISTRICT ATTORNEYS ACROSS CALIFORNIA
IN SUPPORT OF TEST CLAIM 24-TC-07

August 25, 2025

Commission on State Mandates
980 9th St., Ste. 300
Sacramento, CA 95814
Via [CSM Dropbox](#)



Dear Commission on State Mandates,

We, the undersigned District Attorneys, 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 for costs incurred from the implementation of Assembly Bill (AB) 2778 (Stats. 2022, ch. 806, § 2), codified at Penal Code section 741.

Penal Code section 741's requirement that local prosecution agencies conduct an initial race-blind charging review imposed a new program and a higher level of service, and mandated new activities for prosecuting agencies. Beginning on January 1, 2025, Penal Code section 741(b) requires the redaction or alteration of hundreds of thousands of police reports that prosecutors across the state review each year to decide whether or not to file criminal charges. Those changes require:

- Removing or redacting every "direct means of identifying the race of the suspect, victim, or witness," which includes the individual's first and last names, skin color and complexion, and stated race or ethnicity (Pen. Code, § 741(a), 741(b)(1));
- Reviewing the redacted reports to determine whether a crime should be charged (Pen. Code, § 741(b)(2));
- Completing a second review of the unredacted reports to see if knowledge of the additional information results in a different decision – if so, the decision change and the reason for the change must be documented (Pen. Code, § 741(b)(3)–(4)); and
- Collecting, tracking and maintaining data on the decisions, the changed decisions, and the reasons for the decisions for research purposes (Pen. Code, § 741(b)(6)).

The goal of AB 2778 is to do something completely new, which is to blind the prosecutor to all race indicators to address any unconscious bias the prosecutor might have in the decision to file criminal charges. (See Stats. 2022, ch. 806, § 1.)

The implementation of AB 2778 requires prosecuting agencies to dedicate new resources, create new processes, purchase new software, hire outside vendors, and manage these new processes to

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ensure that the work to review and make charging decisions for criminal cases in a timely way is being done, while also complying with this new, and additional mandate.

For example, California has strict laws about the deadlines by which criminal charges must be filed, that fall well before the statute of limitations for crimes. If a person is arrested and being held in custody, the charging decision must be made in time for an arraignment that will take place within two court days. In practice, that often means that investigative reports about the arrest are being completed and delivered to the prosecuting agency the day before, or in many instances just hours before, the deadline to file those charges in court. The new requirements mandated by AB 2778 must fit within that strict statutory deadline and have required significant and ongoing changes by prosecution agencies.

We have and are incurring significant costs to make this new law work.

We urge the Commission on State Mandates to approve this test claim, and to make sure that the costs necessary to implement this new state law are paid for by the State.

Sincerely,

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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 August 26, 2025, I served the:

- **Current Mailing List dated August 22, 2025**
- **California State Association of Counties' (CSAC) Comments on the Test Claim filed August 25, 2025**
- **District Attorneys' Comments on the Test Claim filed August 25, 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 26, 2025 at Sacramento, California.



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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 8/22/25

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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