

Department of Finance

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Director

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Auditor-Controller

Consolidated Utilities Billing &
Service

Investments

Revenue Recovery

Tax Collection & Licensing

Treasury

August 14, 2026

Commission on State Mandates

Attn: Juliana F. Gmur, Executive Director

980 Ninth Street, Suite 300

Sacramento, CA 95814

**Commission on
State Mandates****Filed Date****08/14/2026****Re: County of Sacramento Rebuttal to Department of Finance Response - Test Claim, Criminal
Procedure: Discrimination II (25-TC-04)**

Dear Director Gmur and Commission Members:

Sacramento County respectfully submits this rebuttal to the response dated July 15, 2026, issued by the State of California Department of Finance (DOF) regarding our Test Claim 25-TC-04 on Criminal Procedure: Discrimination II.

Prior Commission Decisions and Government Code 17556 Exception

As the Department of Finance and our Test Claim acknowledge, the Commission on State Mandates adopted the Decision on Los Angeles County's test claim 24-TC-02 which was also associated with the Racial Justice Act ("RJA"). In that test claim, the commission considered AB256, Penal Code 745 subdivision (j)(3) and 1473 subdivision (e).

The difference in our claim is that it requests reimbursement for additional effective dates associated with Penal Code Sections 745, subdivisions (j)(2), (j)(4), and (j)(5) which had effective dates on January 1, 2023, 2025, and 2026 which were not included in Los Angeles County's claim.

The Department of Finance in its letter requests that *"the Commission shall not find reimbursable costs in a test claim that changes the penalty for a crime or infraction"*.

This assertion is contrary to how AB256 operates which does not establish or change the penalty for a crime or infraction, but is a process to remedy racial bias that previously occurred. We believe that the Commission previously captured this accurately in the Commission's decision in Test Claim 24-TC-02. That decision noted (emphasis added): *"Finally, the Commission finds there are costs mandated by the state and that none of the exceptions in Government Code section 17556 apply. The test claim statute does not create a new crime, eliminate a crime, and its purpose is not to change the penalty for a crime, as required under section 17556(g) and, thus, the crime exception does not apply. **Rather, the test claim statute's habeas procedures, which are civil in nature, collaterally attack prior criminal proceedings where it is alleged that the state sought or obtained a criminal conviction or sentence on the basis of race, ethnicity, or national origin either intentionally or implicitly. The purpose of the RJA is not to punish, but rather to remedy the harm to the integrity of the judicial system and to actively work to eradicate racial disparities within the criminal justice system itself.**"*

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The same logic applies here. The sections plead by Sacramento County's test claim only relate to different effective dates which allow different populations to seek remedies under the Racial Justice Act but follow the same legal processes. We respectfully ask that the Commission determine our claim to be a reimbursable state mandate.

Estimated and Actual Costs

The Department of Finance notes that the Public Defender's Office has not yet incurred costs for PC Penal Code 745, subdivision (j)(4) and (j)(5) and asks that *"Reimbursable activities should be supported by evidence in the record that these activities are reasonably necessary to comply with the requirements of this bill. To the extent that future costs are claimed under Penal Code section 745, subdivisions (j)(4) and (j)(5), such costs should be denied unless supported by sufficient evidence."*

We agree. However, those comments are more appropriate to the Parameters and Guidelines stages after a decision has been reached by the Commission.

The County meets the test claim requirements to provide declarations of the actual or estimated increased costs that will be incurred to implement the alleged mandate. The County is not required to have already incurred costs for every component of a new state reimbursable mandate to advance a test claim, only to be able to meet a minimum threshold of \$1,000 which we exceeded in our claim.

The information in our test claim, as supported by the declaration of John Stoller, notes the actual and estimated amounts for 2026-27 under each portion of AB256. We do note the amounts may vary as it depends on what cases arise or the Court assigns to the Public Defender's office however this is true of any estimate of costs in the future, actual results may vary.

We ask that the Commission on State Mandates find that we meet the requirements of the Test Claim process and add Penal Code section 745, subdivisions (j)(4) and (j)(5) as part of the reimbursable mandate.

Conclusion:

Thank you for your time and consideration of the County's rebuttal to Finance's response. Should you have any questions or require further clarification, please contact me at 916-874-7450 or rinddec@saccounty.gov and I would be pleased to provide additional information.

I hereby certify by my signature below that the statements are made in this document are true and correct of my own knowledge, or, as to all other matters, I believe them to be true and correct based upon information and belief.

Executed on August 14, 2026, at Sacramento, California, by:



Chad Rinde
Director of Finance
Sacramento County Department of Finance

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 17, 2026, I served the:

- **Current Mailing List dated July 29, 2026**
- **California State Association of Counties' (CSAC's) Rebuttal Comments filed August 14, 2026**
- **Claimant's Rebuttal Comments filed August 14, 2026**

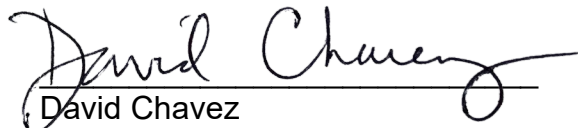
Criminal Procedure: Discrimination II, 25-TC-04

Statutes 2022, Chapter 739, Section 2 (AB 256); Penal Code Sections 745(j)(2) effective January 1, 2023, 745(j)(4) effective January 1, 2025, and 745(j)(5) effective January 1, 2026

County of Sacramento, 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 August 17, 2026, at Sacramento, California.



David Chavez

Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/29/26

Claim Number: 25-TC-04

Matter: Criminal Procedure: Discrimination II

Claimant: County of Sacramento

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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