



Received  
May 17, 2013  
Commission on  
State Mandates

EDMUND G. BROWN JR. • GOVERNOR

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May 17, 2013

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

Dear Ms. Halsey:

The Department of Finance (Finance) has reviewed the Commission on State Mandates' (Commission) draft staff analysis of the mandate redetermination request (12-MR-01), "Sexually Violent Predators," filed by our office. The technical correction detailed below responds to the draft staff analysis's comment regarding Finance being "silent" on Activity 8. This correction is technical and nonsubstantive as it merely adds a title (underlined below), which was inadvertently omitted, to a preexisting paragraph in our filing.

The first paragraph under the heading, "5: Detailed Analysis," on page 5 of our request should read as follows:

**"Activity 8 - Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf & Inst. Code, § 6602).**

- Welfare and Institutions Code section 6604 includes specified jury and court procedures that occur subsequent to the probable cause process as set forth in Welfare and Institutions Code section 6602. Prop 83 reenacted subdivision (d) of Section 6605 that establishes the SVP is entitled to the same constitutional rights provided them at the original commitment proceeding and thus section 6602 is an integral component necessary for Prop 83's implementation. The initial probable cause hearing, as defined in section 6602, is necessary to determine if the person is an SVP. Therefore, subsequent hearings, as defined in Welfare and Institutions Code section 6601, subdivisions (h) through (l), and Welfare and Institutions Code section 6604, could only occur following the initial commitment procedures set forth in Welfare and Institutions Code section 6602. During this time, housing and transportation must be provided pursuant to section 6602. Therefore, Welfare and Institutions Code section 6602 is necessary to implement section 6604, which is part of the ballot measure. Activities, including transportation and housing, associated with the initial SVP determination process are necessary statutory components of Prop 83 implementation and are no longer reimbursable under the SVP mandate."

For greater clarity we have enclosed a corrected page 5 under the heading of "5: Detailed Analysis." The preexisting text specifically identifies transportation and housing required by section 6602 as an activity necessary to implement Proposition 83 and no longer reimbursable.

Ms. Heather Halsey  
May 17, 2013  
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Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations,  
"documents that are e-filed with the Commission need not be otherwise served on persons that  
have provided an e-mail address for the mailing list."

If you have any questions regarding this letter, please contact Randall Ward, Principal Program  
Budget Analyst at (916) 445-3274.

Sincerely,



TOM DYER  
Assistant Program Budget Manager

Enclosure

Enclosure A

DECLARATION OF CARLA SHELTON  
DEPARTMENT OF FINANCE  
CLAIM NO. 12-MR-01

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

5-17-13

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at Sacramento, CA



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Carla Shelton

**Request to Adopt a New Test Claim Decision**  
**Sexually Violent Predators (CSM – 4509)**  
**5: Detailed Analysis**

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**Activity 8** - Transportation and housing for each potential sexually violent predator at a secured facility while the individual awaits trial on the issue of whether he or she is a sexually violent predator. (Welf & Inst. Code, § 6602).

- Welfare and Institutions Code section 6604 includes specified jury and court procedures that occur subsequent to the probable cause process as set forth in Welfare and Institutions Code section 6602. Prop 83 reenacted subdivision (d) of Section 6605 that establishes the SVP is entitled to the same constitutional rights provided them at the original commitment proceeding and thus section 6602 is an integral component necessary for Prop 83's implementation. The initial probable cause hearing, as defined in section 6602, is necessary to determine if the person is an SVP. Therefore, subsequent hearings, as defined in Welfare and Institutions Code section 6601, subdivisions (h) through (l), and Welfare and Institutions Code section 6604, could only occur following the initial commitment procedures set forth in Welfare and Institutions Code section 6602. During this time, housing and transportation must be provided pursuant to section 6602. Therefore, Welfare and Institutions Code section 6602 is necessary to implement section 6604, which is part of the ballot measure. Activities, including transportation and housing, associated with the initial SVP determination process are necessary statutory components of Prop 83 implementation and are no longer reimbursable under the SVP mandate.

The preceding activities previously determined to be reimbursable in the Statement of Decision for the SVP mandate (CSM-4509) cease to be a reimbursable mandate pursuant to the amended, reenacted or referenced code sections expressly included in, or necessary to implement Prop 83, pursuant to Government Code section 17570, and Government Code section 17556, subdivision (f).