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August 28, 2013
Commission on
State Mandates

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MS. HEATHER HALSEY, Executive Director
California Commission on State Mandates
900 Ninth Street, Suite 300
Sacramento, CA 95814

RE: 12-MR-01, Mandate Redetermination Request, CSM-4509; Department of Finance, Requestor —
Comments to the Draft Staff Analysis and Proposed Statement of Decision for the Second Hearing

Dear Ms. Halsey:

The Orange County District Attorney's Office hereby submits the following comments to the Commission on State Mandate's Draft Staff Analysis and Proposed Statement of Decision for the Hearing of September 27, 2013, in case 12-MR-01.

The Orange County District Attorney (OCDA) is opposed to the Department of Finance's request to adopt a new test claim and end state reimbursement because such a change would be inequitable and impose a financial hardship on the county. The OCDA's office expends tremendous time and voluminous resources in complying with the SVPA in an effort to maintain the public's safety and protect the county from these most dangerous sexually violent predators.

Proposition 83 did not effectuate a "subsequent change in the law" as contemplated by Government Code (GC) § 17570. The SVP reimbursement program should not have been affected by Prop 83 because the ballot measure made no substantive changes to the reimbursable component of the program. Had the people voted against Prop 83, the SVP program established by the Legislature still would have remained in place. Additionally, the ballot material accompanying Prop 83 prepared by the Legislative Analyst's Office stated that the state would continue to bear any costs associated with implementing the SVPA.

Furthermore, the application of GC § 17556(f) to Prop 83 in order to put an end to state reimbursement for SVPA related expenses is incorrect. The mere recitation of any portion of an existing statute in a ballot initiative later passed by the voters should not bring it within the "expressly included in" language of GC § 17556(f).

Respectfully submitted,


Tony Rackauckas
District Attorney

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