



**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 525  
LOS ANGELES, CALIFORNIA 90012-2766  
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCaULEY  
AUDITOR-CONTROLLER

February 14, 2002

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Dear Ms. Higashi:

Review of State Agency Comments: Los Angeles County Test Claim  
Firearm Hearings for Discharged Inpatients [CSM 99-TC-11]

We concur with the State Department of Finance comments [attached], the only comments received in this matter.

Leonard Kaye of my staff is available at (213) 974-8564 to answer questions you may have concerning this submission.

Very truly yours,

J. Tyler McCauley  
Auditor-Controller

JTM:JN:LK  
Enclosures

## DEPARTMENT OF FINANCE

915 L STREET  
SACRAMENTO, CA 95814-3706

August 7, 2000

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

Dear Ms. Higashi:

As requested in your letter of July 3, 2000, the Department of Finance has reviewed the test claim submitted by the Los Angeles County (claimant) asking the Commission to determine whether specified costs incurred under Chapter No. 578, Statutes of 1999 (AB 1587, Scott), are reimbursable state mandated costs (Claim No. CSM-99-TC-11 "Firearm Hearings for Discharged Inpatients"). Commencing with Page 1 of the test claim, claimant has identified the following new duties, which it asserts are reimbursable state mandates:

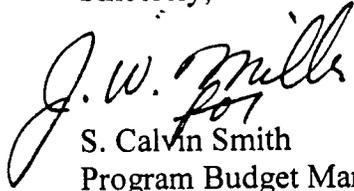
District Attorneys are required to represent the People of the State of California in hearings requested by specified discharged inpatients, previously held because they are a danger to himself, herself, or to others, regarding whether these people could own, possess, control, receive, or purchase any firearm.

As the result of our review, we have concluded that the statute may have resulted in reimbursable costs for district attorneys to represent the People of the State of California in a Superior Court hearing related to whether certain discharged inpatients may own, possess, control, receive, or purchase firearms. If the Commission reaches the same conclusion at its scheduled April 26, 2001 hearing on the matter, the nature and extent of the specific activities required of district attorneys can be addressed in the parameters and guidelines which will then have to be developed for the program.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your July 3, 2000 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact James A. Foreman, Principal Program Budget Analyst at (916) 445-8913 or Jim Lombard, state mandates claims coordinator for the Department of Finance, at (916) 445-8913.

Sincerely,

A handwritten signature in cursive script that reads "S. Calvin Smith". The signature is written in dark ink and is positioned above the printed name.

S. Calvin Smith  
Program Budget Manager

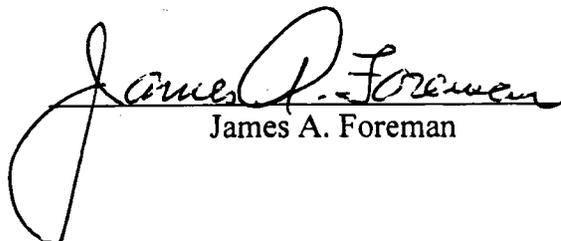
Attachments

DECLARATION OF JAMES A. FOREMAN  
DEPARTMENT OF FINANCE  
CLAIM NO. CSM-99-TC-11

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.
2. We concur that the Chapter No. 578, Statutes of 1999 (AB 1587, Scott) relevant to this claim are accurately quoted in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.
3. Attachment B is a true copy of Finance's analysis of AB 1587 prior to its enactment as Chapter No. 578, Statutes of 1999 (AB 1587, Scott).

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.

August 1, 2000  
at Sacramento, CA

  
James A. Foreman

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 18, 1999

BILL NUMBER: AB 1587

POSITION: No position, note concerns

AUTHOR: J. Scott, et al.

BILL SUMMARY: Firearms

This bill, an urgency measure, would make changes to the process by which a person who has been taken into custody or admitted to a designated facility because that person is a danger to himself, herself, or others, or a person who has been certified for intensive treatment related to mental disorder or impairment by chronic alcoholism may possess, control, receive, or purchase a firearm. This bill would appropriate \$145,000 General Fund to the Department of Justice (DOJ) to reimburse medical facilities for various notification requirements.

FISCAL SUMMARY

This bill would appropriate \$145,000 General Fund to DOJ, primarily to reimburse medical facilities for various notification requirements. It is our understanding that these facilities incur costs of \$2 per notification to inform DOJ concerning individuals taken into custody who are a danger to himself, herself, or others. DOJ staff indicate that the department expects to receive 65,000 notices per year, resulting in annual ongoing costs of \$130,000 for these facilities statewide. However, we note that these facilities may be private institutions, and as such, any notification requirements would not constitute a reimbursable state-mandated local program. Therefore, we do not believe that the State should bear these costs.

COMMENTS

The Department of Finance notes a concern with this measure that this bill would appropriate funds from the General Fund to reimburse medical facilities for costs that are not the State's responsibility.

Existing law, the Lanterman-Petris-Short (LPS) Act, provides that no person who has been taken into custody or admitted to a designated facility because that person is a danger to himself, herself, or others shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years after the person is released from the facility unless, upon petition to the superior court, the person is found by a preponderance of the evidence likely to use firearms in a safe and lawful manner. In *Daycamos v. Department of Justice*, the Sacramento County Superior Court determined that the LPS Act barred certain individuals from possessing a firearm without due process prior to imposing the prohibition against possessing a firearm. This bill, by making changes to the process for these individuals to obtain firearms, is intended to address the decision by the Sacramento County Superior Court, and thus provide due process for these individuals.

(Continued)

Analyst/Principal (0211) J. Foreman	Date 8/20/99	Program Budget Manager S. Calvin Smith	Date 8-20-99
<i>Todd Jensen for</i> Department Deputy Director		<i>J.W. Miller</i> Original signed by Robert D. Miyashiro	
		Date AUG 20 1999	

Governor's Office:	By:	Date:	Position Noted
	NE	8/20/99	Position Approved <input checked="" type="checkbox"/>
			Position Disapproved <input type="checkbox"/>

BILL ANALYSIS

Form DF-43 (Rev 03/95 Buff)

AUTHOR

AMENDMENT DATE

BILL NUMBER

J. Scott, et al.

August 18, 1999

AB 1587

COMMENTS (continued)

More specifically, this bill would provide that a person who has been taken into custody or admitted to a designated facility because that person is a danger to himself, herself, or others may, on a form provided by DOJ, request a hearing from the court and that the People of the State of California shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner. If the court at the hearing finds that the people have not met their burden or the district attorney declines to go forward with the case, the court would be required to order that the person may own, control, receive, possess, or purchase a firearm without being subject to the 5-year prohibition on the ownership, control, receipt, possession, or purchase of firearms.

Existing law also provides that no person who has been certified for intensive treatment related to mental disorder or impairment by chronic alcoholism may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of 5 years unless, upon petition to the superior court, the court determines, by a preponderance of the evidence, that the person is likely to use firearms in a safe and lawful manner, as described above.

This bill would also permit a person who has been certified for intensive treatment related to mental disorder or impairment by chronic alcoholism to petition the superior court of his or her county of residence so that he or she may own, possess, control, receive, or purchase a firearm and would prescribe the procedures for a hearing on the petition.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP	1999-2000		2000-2001		2001-2002		
	RV	98	FC	FC	FC	FC			
0820/Justice	SO	No	A	\$145	C	\$130	C	\$130	0001

**Mailing List for County of Los Angeles Test Claim  
Commission on State Mandates Claim Number CSM-99-TC-11  
Firearm Hearings for Discharged Inpatients**

Mr. Robert Brooks, Staff Analyst II  
Riverside Co. Sheriff's Acct. & Fin.  
4095 Lemon Street, P.O. Box 512  
Riverside, CA 92502

Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, California 95814

Mr. Allan Burdick  
MAXIMUS  
4320 Auburn Blvd., Suite 2000  
Sacramento, California 95841

Ms. Tom Lutzenberger, Principal Analyst  
Department of Finance  
915 L street, 6<sup>th</sup> Floor  
Sacramento, CA 95814

Mr. Jim Spano,  
State Controller's Office  
Division of Audits ( B-8)  
300 Capitol Mall, Suite 518, P.O. Box  
942850  
Sacramento, California 95814

Mr. Steve Smith, CEO  
Mandated Cost Systems  
2275 Watt Avenue, Suite C  
Sacramento, California 95825

Mr. Glenn Haas, Bureau Chief  
State Controller's Office  
Division of Accounting & Reporting  
3301 C Street, Suite 500  
Sacramento, California 95816

Mr. Andy Nichols, Senior Manager  
Centeration, Inc.  
8316 Red Oak street, Suite 101  
Rancho Cucamonga, CA 91730

Mr. Steve Shields,  
Shields Consulting Group, Inc.  
1536 36<sup>th</sup> Street  
Sacramento, CA 95816

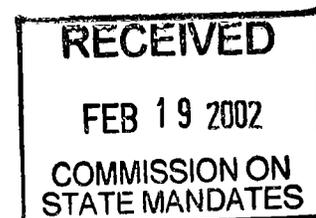
Ms. Susan Geanacou, Sr. Staff Attorney  
Department of Finance  
915 L Street, 11<sup>th</sup> Floor, Suite 1190  
Sacramento, CA 95814

Mr. Mark Sigman, SB90 Coordinator  
Riverside County  
Auditor Controller  
4080 Lemon Street, 3<sup>rd</sup> Floor  
Riverside, CA 92501

Ms. Barbara Redding,  
Office of the Auditor-Controller-Recorder  
County of San Bernardino  
222 West Hospitality Lane  
San Bernardino, CA 92415

Mr. David Wellhouse,  
Wellhouse & Associates  
9175 Kiefer Blvd., Suite 121  
Sacramento, California 95826

Mr. Randy Rossi, Director  
Department of Justice  
Firearms Division  
1435 Riverpark Drive, Suite 308  
Sacramento, CA 95815





**COUNTY OF LOS ANGELES  
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 525  
LOS ANGELES, CALIFORNIA 90012-2766  
PHONE: (213) 974-8301 FAX: (213) 626-5427

J. TYLER McCAULEY  
AUDITOR-CONTROLLER

DECLARATION OF SERVICE

STATE OF CALIFORNIA, County of Los Angeles:

Hasmik Yaghobyan states: I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 603 Kenneth Hahn Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 15th day of February 2002, I served the attached:

Documents: Review of State Agency Comments: Los Angeles County Test Claim, Firearm Hearings for Discharged Inpatients [CSM99-TC-11], including a 1 page letter of J. Tyler McCauley dated 2/14/02, and a 5 page attachment, all pursuant to CSM99-TC-11, now pending before the Commission on State Mandates.

upon all Interested Parties listed on the attachment hereto and by

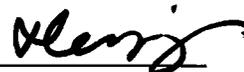
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.  
Commission on State Mandates - FAX as well as mail of originals.
- by placing  true copies  original thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) as set forth below at the indicated address.

**PLEASE SEE ATTACHED MAILING LIST**

That I am readily familiar with the business practice of the Los Angeles County for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence would be deposited within the United States Postal Service that same day in the ordinary course of business. Said service was made at a place where there is delivery service by the United States mail and that there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of February 2002, at Los Angeles, California.

  
\_\_\_\_\_  
Hasmik Yaghobyan