

AMENDED IN SENATE JANUARY 16, 2004

AMENDED IN SENATE JANUARY 5, 2004

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 756

Introduced by Senator Denham

(Coauthor: Senator Poochigian)

(Coauthors: Assembly Members Aghazarian and Cogdill), *Cogdill,
and Matthews*)

February 21, 2003

An act to add Section 15202.3 to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 756, as amended, Denham. Local government finance.

The Budget Act of 2002 provides for payment to counties for costs of homicide trials.

This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2003 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus for the homicide prosecution of Scott Peterson. *The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 15202.3 is added to the Government*
2 *Code, to read:*
3 *15202.3. (a) Notwithstanding any other provision of law,*
4 *requests for reimbursement of county costs for homicide trials*
5 *shall be reviewed by the Controller prior to payment.*
6 *(b) The Controller shall not reimburse any county for costs*
7 *incurred pursuant to Section 15202 that exceed the State Board of*
8 *Control’s standards for travel and per diem expenses. The*
9 *Controller may reimburse extraordinary costs in unusual cases if*
10 *the county provides sufficient justification of the need for these*
11 *expenditures. Nothing in this section shall permit the*
12 *reimbursement of costs for travel in excess of 1,000 miles on any*
13 *single round trip, without the prior approval of the Attorney*
14 *General.*
15 *(c) The Controller shall reimburse counties for reasonable and*
16 *necessary expenses incurred pursuant to Section 15202, except*
17 *that reimbursements to a county shall not exceed the following:*
18 *(1) For attorney services, an hourly rate equal to that county’s*
19 *average hourly cost for public defenders, the hourly rate paid to*
20 *appointed counsel, or the hourly rate charged state agencies by the*
21 *Attorney General for attorney services, whichever rate is less.*
22 *(2) For investigators, an hourly rate equal to that county’s*
23 *average hourly cost for county-employed investigators or the*
24 *hourly rate charged state agencies by the Attorney General for*
25 *investigators, whichever rate is less.*
26 *(3) For expert witnesses, the hourly rate that the county*
27 *generally pays for these services.*
28 *SEC. 2. Notwithstanding any other provision of law, funds*
29 *appropriated by Item 8180-101-0001 of the Budget Act of 2003*
30 *shall be available for reimbursement of 100 percent of the costs*
31 *incurred by the County of Stanislaus for the homicide prosecution*
32 *of Scott Peterson.*
33 ~~*SEC. 2.—*~~
34 *SEC. 3. This act is an urgency statute necessary for the*
35 *immediate preservation of the public peace, health, or safety*



1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order to provide the County of Stanislaus with urgently
4 needed fiscal assistance at the earliest possible time, it is necessary
5 that this act take effect immediately.

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