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AMENDED IN ASSEMBLY MAY 31, 1995
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AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 888

Introduced by Assembly Members Rogan and Hoge
(Coauthors: Assembly Members Aguiar, Boland, Bowler,
and Rainey)
(Principal coauthor: Senator Peace)

February 22, 1995

An act to amend Section 6250 of, and to add Article 4 (commencing with Section 6600) to Chapter 2 of Part 2 of Division 6 of, the Welfare and Institutions Code, relating to sexual predators.

LEGISLATIVE COUNSEL'S DIGEST

AB 888, as amended, Rogan. Sexually violent predators.

Existing law sets forth specified punishments for sex crimes, including, among others, rape, sodomy, oral copulation, penetration with a foreign object, and lewd and lascivious conduct.

This bill would provide that whenever the Director of Corrections determines that an individual who is *in custody* under the jurisdiction of the Department of Corrections, *and who is either serving a determinate sentence or whose parole*

has been revoked, may be a sexually violent predator, he or she shall, at least 6 months prior to that individual's scheduled date for release from prison ~~or termination of parole~~, refer the person for evaluation and, under specified circumstances, request that a petition for commitment be filed, and the proceedings be handled, by either the district attorney or the county counsel of the county in which the person was convicted of the offense for which he or she is under the jurisdiction of the Department of Corrections. The bill would require the Department of Corrections and the Board of Prison Terms to screen the person based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history before referring the person to the State Department of Mental Health for a full evaluation.

This bill would impose a state-mandated local program by requiring the district attorney or county counsel to file, and handle all proceedings relating to, petitions for commitment.

This bill would set forth procedures and standards for the review of the petition for commitment and would provide that a person who is the subject of the petition is entitled to a trial by jury, the assistance of counsel, the right to retain experts or professional persons to perform an examination on his or her behalf, and access to all relevant medical and psychological records and reports.

This bill would require a court or jury to determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court would be required to direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole. If the court or jury determines that the person is a sexually violent predator, the person would be committed for 2 years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health that is located on the grounds of an institution under the jurisdiction of the Department of Corrections until his or her *diagnosed* mental ~~abnormality or~~

~~personality~~ disorder has so changed that he or she is not likely to commit an act of sexual violence.

This bill would require annual evaluations of those individuals committed as sexually violent predators.

The bill also would set forth procedures and standards for requesting and hearing petitions for conditional and unconditional release.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares that
2 a small but extremely dangerous group of sexually violent
3 predators that ~~generally have personality~~ *have*
4 *diagnosable mental* disorders can be identified while they
5 are incarcerated. These persons are not safe to be at large
6 and if released represent a danger to the health and safety
7 of others in that they are likely to engage in acts of sexual
8 violence. The Legislature further finds and declares that
9 it is in the interest of society to identify these individuals
10 prior to the expiration of their terms of imprisonment. It
11 is the intent of the Legislature that once identified, these
12 individuals, if found to be likely to commit acts of sexually
13 violent criminal behavior beyond a reasonable doubt, be
14 confined and treated until such time that it can be
15 determined that they no longer present a threat to
16 society.

1 The Legislature further finds and declares that the
2 treatment needs of this population are very long term and
3 the treatment modalities that are appropriate for this
4 population are substantially different from those persons
5 currently receiving mental health treatment under the
6 Lanterman-Petris-Short Act (Part 1 (commencing with
7 Section 5000) of Division 5 of the Welfare and Institutions
8 Code) and, accordingly, a new civil commitment needs
9 to be established to address the treatment needs of this
10 population.

11 SEC. 2. Section 6250 of the Welfare and Institutions
12 Code is amended to read:

13 6250. As used in this part, “persons subject to judicial
14 commitment” means persons who may be judicially
15 committed under this part as mentally disordered sex
16 offenders pursuant to Article 1 (commencing with
17 Section 6300), sexually violent predators pursuant to
18 Article 4 (commencing with Section 6600), or mentally
19 retarded persons pursuant to Article 2 (commencing
20 with Section 6500) of Chapter 2 of this part.

21 Nothing in this part shall be held to change or interfere
22 with the provisions of the Penal Code and other laws
23 relating to mentally disordered persons charged with
24 crime or to the criminally insane.

25 This part shall be liberally construed so that, as far as
26 possible and consistent with the rights of persons subject
27 to commitment, those persons shall be treated, not as
28 criminals, but as sick persons.

29 SEC. 3. Article 4 (commencing with Section 6600) is
30 added to Chapter 2 of Part 2 of Division 6 of the Welfare
31 and Institutions Code, to read:

32

33 Article 4. Sexually Violent Predators

34

35 6600. As used in this article, the following terms have
36 the following meanings:

37 (a) “Sexually violent predator” means a person who
38 has been convicted of a sexually violent offense against
39 two or more victims for which he or she received a
40 determinate sentence and who has a ~~mental abnormality~~



1 ~~or personality~~ *diagnosed mental* disorder that makes the
2 person a danger to the health and safety of others in that
3 it is likely that he or she will engage in sexually violent
4 criminal behavior.

5 Conviction of one or more of the crimes enumerated in
6 this section shall constitute evidence that may support a
7 court or jury determination that a person is a sexually
8 violent predator, but shall not be the sole basis for the
9 determination.

10 (b) “Sexually violent offense” means the following
11 acts *when committed by force, violence, duress, menace,*
12 *or fear of immediate and unlawful bodily injury on the*
13 *victim or another person, and that are* committed on,
14 before, or after the effective date of this article and
15 ~~resulting result~~ in a conviction and a determinate
16 sentence: a felony violation of paragraph (2) of
17 subdivision (a) of Section 261, paragraph (1) of
18 subdivision (a) of Section 262, Section 264.1, subdivision
19 (a) or (b) of Section 288, or subdivision (a) of Section 289
20 of the Penal Code, or sodomy or oral copulation in
21 violation of Section 286 or 288a of the Penal Code ~~by force,~~
22 ~~violence, duress, menace, or fear of immediate and~~
23 ~~unlawful bodily injury on the victim or another person.~~

24 (c) ~~“Mental abnormality” means~~ “*Diagnosed mental*
25 *disorder*” *means a diagnosed mental disorder that*
26 *includes* a congenital or acquired condition affecting the
27 emotional or volitional capacity that predisposes the
28 person to the commission of criminal sexual acts in a
29 degree constituting the person a menace to the health
30 and safety of others.

31 (d) “Danger to the health and safety of others” does
32 not require proof of a recent overt act while the offender
33 is in custody.

34 (e) “Predatory” means an act is directed toward a
35 stranger or individual with whom a relationship has been
36 established or promoted for the primary purpose of
37 victimization.

38 (f) “Recent overt act” means any criminal act that
39 manifests a likelihood that the actor may engage in
40 sexually violent predatory criminal behavior.

6601. (a) Whenever the Director of Corrections determines that an individual who is *in custody* under the jurisdiction of the Department of Corrections, *and who is either serving a determinate prison sentence or whose parole has been revoked*, may be a sexually violent predator, the director shall, at least six months prior to that individual's scheduled date for release from prison ~~or termination of parole, whichever is applicable~~, refer the person for evaluation in accordance with this section.

(b) The person shall be screened by the Department of Corrections and the Board of Prison Terms based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the State Department of Mental Health in consultation with the Department of Corrections. If as a result of this screening it is determined that the person is likely to be a sexually violent predator, the Department of Corrections shall refer the person to the State Department of Mental Health for a full evaluation of whether the person meets the criteria in Section 6600.

(c) The State Department of Mental Health shall evaluate the person in accordance with a standardized assessment protocol, developed and updated by the State Department of Mental Health, to determine whether the person is a sexually violent predator as defined in this article. The standardized assessment protocol shall require assessment of ~~mental abnormalities and personality~~ *diagnosed mental* disorders, as well as various factors known to be associated with the risk of reoffense among sex offenders. Risk factors to be considered shall include criminal and psychosexual history, type, degree, and duration of sexual deviance, and severity of ~~personality~~ *mental* disorder.

(d) Pursuant to subdivision (c), the person shall be evaluated by two practicing psychiatrists or psychologists, or one practicing psychiatrist and one practicing psychologist, designated by the Director of

1 Mental Health. If both evaluators concur that the person
2 has a ~~mental abnormality or personality~~ *diagnosed*
3 *mental* disorder such that he or she is likely to engage in
4 acts of sexual violence without appropriate treatment and
5 custody, the Director of Mental Health shall forward a
6 request for a petition for commitment under Section 6602
7 to the county designated in subdivision (j) (i). Copies of
8 the evaluation reports and any other supporting
9 documents shall be made available to the attorney
10 designated by the county pursuant to subdivision (j) (i)
11 who may file a petition for commitment.

12 (e) If one of the professionals performing the
13 evaluation pursuant to subdivision (d) does not concur
14 that the person meets the criteria specified in subdivision
15 (d), but the other professional concludes that the person
16 meets those criteria, the Director of Mental Health shall
17 arrange for further examination of the person by two
18 independent professionals selected in accordance with
19 subdivision (g).

20 (f) If an examination by independent professionals
21 pursuant to subdivision (e) is conducted, a petition to
22 request commitment under this article shall only be filed
23 if both independent professionals who evaluate the
24 person pursuant to subdivision (e) concur that the person
25 meets the criteria for commitment specified in
26 subdivision (d). The professionals selected to evaluate
27 the person pursuant to subdivision (g) shall inform the
28 person that the purpose of their examination is not
29 treatment but to determine if the person meets certain
30 criteria to be involuntarily committed pursuant to this
31 article. It is not required that the person appreciate or
32 understand that information.

33 (g) Any independent professional who is designated
34 by the Director of Corrections or the Director of Mental
35 Health for purposes of this section shall not be a state
36 government employee, shall have at least five years of
37 experience in the diagnosis and treatment of mental
38 disorders, and shall include psychiatrists and licensed
39 psychologists who have a doctoral degree in psychology.
40 The requirements set forth in this section also shall apply

1 to any professionals appointed by the court to evaluate
2 the person for purposes of any other proceedings under
3 this article.

4 (h) If the State Department of Mental Health
5 determines that the person is a sexually violent predator
6 as defined in this article, the Director of Mental Health
7 shall forward a request for a petition to be filed for
8 commitment under this article to the county designated
9 in subdivision ~~(j)~~ (i). Copies of the evaluation reports and
10 any other supporting documents shall be made available
11 to the attorney designated by the county pursuant to
12 subdivision ~~(j)~~ (i) who may file a petition for
13 commitment.

14 ~~(j)~~—

15 (i) A petition for commitment shall be filed in the
16 superior court of the county in which the person was
17 convicted of the offense for which he or she is under the
18 jurisdiction of the Department of Corrections. The
19 petition shall be filed, and the proceedings shall be
20 handled, by either the district attorney or the county
21 counsel of that county. The county board of supervisors
22 shall designate either the district attorney or the county
23 counsel to assume responsibility for proceedings under
24 this article.

25 ~~(k)~~—

26 (j) The time limits set forth in this section shall not
27 apply during the first year that this article is operative.

28 6602. A judge of the superior court shall review the
29 petition and shall determine whether there is probable
30 cause to believe that the individual named in the petition
31 is likely to engage in sexually violent predatory criminal
32 behavior upon his or her release. The person named in
33 the petition shall be entitled to assistance of counsel at the
34 probable cause hearing. ~~In the case of a person taken back~~
35 ~~into custody pursuant to subdivision (h) of Section 6601,~~
36 ~~the hearing to determine probable cause shall take place~~
37 ~~within 72 hours of the time that the person is taken back~~
38 ~~into custody.~~ If the judge determines there is not
39 probable cause, he or she shall dismiss the petition. If the
40 judge determines that there is probable cause, the judge

1 shall order that a trial be conducted to determine
2 whether the person is, by reason of ~~mental abnormality~~
3 ~~or personality~~ *diagnosed mental* disorder, a danger to the
4 health and safety of others in that the person is likely to
5 engage in acts of sexual violence upon his or her release
6 from the jurisdiction of the Department of Corrections.

7 6603. (a) A person subject to this article shall be
8 entitled to a trial by jury, the assistance of counsel, the
9 right to retain experts or professional persons to perform
10 an examination on his or her behalf, and have access to all
11 relevant medical and psychological records and reports.
12 In the case of a person who is indigent, the court shall
13 appoint counsel to assist him or her, and, upon the
14 person's request, assist the person in obtaining an expert
15 or professional person to perform an examination or
16 participate in the trial on the person's behalf.

17 (b) The attorney petitioning for commitment under
18 this article shall have the right to demand that the trial be
19 before a jury.

20 (c) If no demand is made by the person subject to this
21 article or the petitioning attorney, the trial shall be before
22 the court without jury.

23 (d) A unanimous verdict shall be required in any jury
24 trial.

25 6604. The court or jury shall determine whether,
26 beyond a reasonable doubt, the person is a sexually
27 violent predator. If the court or jury is not satisfied
28 beyond a reasonable doubt that the person is a sexually
29 violent predator, the court shall direct that the person be
30 released at the conclusion of the term for which he or she
31 was initially sentenced, or that the person be
32 unconditionally released at the end of parole, whichever
33 is applicable. If the court or jury determines that the
34 person is a sexually violent predator, the person shall be
35 committed for two years to the custody of the State
36 Department of Mental Health for appropriate treatment
37 and confinement in a secure facility designated by the
38 Director of Mental Health, and the person shall not be
39 kept in actual custody longer than two years unless a
40 subsequent extended commitment is obtained from the

1 court incident to the filing of a new petition for
2 commitment under this article or unless the term of
3 commitment changes pursuant to subdivision (e) of
4 Section 6605. Time spent on conditional release shall not
5 count toward the two-year term of commitment, unless
6 the person is placed in a locked facility by the conditional
7 release program, in which case the time in a locked
8 facility shall count toward the two-year term of
9 commitment. The facility shall be located on the grounds
10 of an institution under the jurisdiction of the Department
11 of Corrections.

12 6605. (a) A person found to be a ~~sexual~~ *sexually*
13 violent predator and committed to the custody of the
14 State Department of Mental Health shall have a current
15 examination of his or her mental condition made at least
16 once every year. The person may retain, or if he or she is
17 indigent and so requests, the court may appoint, a
18 qualified expert or professional person to examine him or
19 her, and the expert or professional person shall have
20 access to all records concerning the person.

21 (b) The director shall provide the committed person
22 with an annual written notice of his or her right to
23 petition the court for conditional release under Section
24 6608. The notice shall contain a waiver of rights. The
25 director shall forward the notice and waiver form to the
26 court with the annual report. If the person does not
27 affirmatively waive his or her right to petition the court
28 for conditional release, the court shall set a show cause
29 hearing to determine whether facts exist that warrant a
30 hearing on whether the person's condition has so changed
31 that he or she would not be a danger to the health and
32 safety of others if discharged. The committed person shall
33 have the right to be present and to have an attorney
34 represent him or her at the show cause hearing.

35 (c) If the court at the show cause hearing determines
36 that probable cause exists to believe that the committed
37 person's ~~mental abnormality or personality~~ *diagnosed*
38 *mental* disorder has so changed that he or she is not a
39 danger to the health and safety of others and is not likely



1 to engage in sexually violent criminal behavior if
2 discharged, then the court shall set a hearing on the issue.

3 (d) At the hearing, the committed person shall have
4 the right to be present and shall be entitled to the benefit
5 of all constitutional protections that were afforded to him
6 or her at the initial commitment proceeding. The
7 attorney designated by the county pursuant to
8 subdivision ~~(j)~~ (i) of Section 6601 shall represent the state
9 and shall have the right to *demand a jury trial and to* have
10 the committed person evaluated by experts chosen by the
11 state. The committed person also shall have the right to
12 demand a jury trial and to have experts evaluate him or
13 her on his or her behalf. The court shall appoint an expert
14 if the person is indigent and requests an appointment.
15 The burden of proof at the hearing shall be on the state
16 to prove beyond a reasonable doubt that the committed
17 person's ~~mental abnormality or personality~~ *diagnosed*
18 *mental* disorder remains such that he or she is a danger
19 to the health and safety of others and is likely to engage
20 in sexually violent criminal behavior if discharged.

21 (e) If the court or jury rules against the committed
22 person at the hearing conducted pursuant to subdivision
23 (d), the term of commitment of the person shall run for
24 a period of two years from the date of this ruling. *If the*
25 *court or jury rules for the committed person, he or she*
26 *shall be unconditionally released and unconditionally*
27 *discharged.*

28 6606. (a) A person who is committed under this
29 article shall be provided with programming by the State
30 Department of Mental Health which shall afford the
31 person with treatment for his or her ~~mental abnormality~~
32 ~~or personality~~ *diagnosed mental* disorder.

33 (b) Amenability to treatment is not required for a
34 finding that any person is a person described in Section
35 6600, nor is it required for treatment of that person.
36 Treatment does not mean that the treatment be
37 successful or potentially successful, nor does it mean that
38 the person must recognize his or her problem and
39 willingly participate in the treatment program.

1 (c) The programming provided by the State
2 Department of Mental Health in facilities shall be
3 consistent with current institutional standards for the
4 treatment of sex offenders, and shall be based on a
5 structured treatment protocol developed by the State
6 Department of Mental Health. The protocol shall
7 describe the number and types of treatment components
8 that are provided in the program, and shall specify how
9 assessment data will be used to determine the course of
10 treatment for each individual offender. The protocol shall
11 also specify measures that will be used to assess treatment
12 progress and changes with respect to the individual's risk
13 of reoffense.

14 6607. (a) If the Director of Mental Health
15 determines that the person's ~~mental abnormality or~~
16 ~~personality~~ *diagnosed mental* disorder has so changed
17 that the person is not likely to commit acts of predatory
18 sexual violence while under supervision and treatment in
19 the community, the director shall forward a report and
20 recommendation for conditional release in accordance
21 with Section 6608 to the county attorney designated in
22 subdivision ~~-(j)~~ (i) of Section 6601, the attorney of record
23 for the person, and the committing court.

24 (b) When a report and recommendation for
25 conditional release is filed by the Director of Mental
26 Health pursuant to subdivision (a), the court shall set a
27 hearing in accordance with the procedures set forth in
28 Section 6608.

29 6608. (a) Nothing in this article shall prohibit the
30 person who has been committed as a sexually violent
31 predator from petitioning the court for conditional
32 release and subsequent unconditional discharge without
33 the recommendation or concurrence of the Director of
34 Mental Health. If a person has previously filed a petition
35 for conditional release without the concurrence of the
36 director and the court determined, either upon review of
37 the petition or following a hearing, that the petition was
38 frivolous or that the committed person's condition had
39 not so changed that he or she would not be a danger to
40 others in that it is not likely that he or she will engage in



1 sexually violent criminal behavior if placed under
2 supervision and treatment in the community, then the
3 court shall deny the subsequent petition unless it contains
4 facts upon which a court could find that the condition of
5 the committed person had so changed that a hearing was
6 warranted. Upon receipt of a first or subsequent petition
7 from a committed person without the concurrence of the
8 director, the court shall endeavor whenever possible to
9 review the petition and determine if it is based upon
10 frivolous grounds and, if so, shall deny the petition
11 without a hearing. The person petitioning for conditional
12 release and unconditional discharge under this
13 subdivision shall be entitled to assistance of counsel.

14 (b) In no event shall a person who is committed
15 pursuant to this article be unconditionally released from
16 commitment until he or she has been placed in the
17 community under supervision and observation pursuant
18 to this section for at least one year, unless the community
19 program director sooner makes a recommendation for
20 unconditional release as described in subdivision (g).

21 (c) The court shall give notice of the hearing date to
22 the attorney designated in subdivision ~~(j)~~ (i) of Section
23 6601, the retained or appointed attorney for the
24 committed person, and the Director of Mental Health at
25 least 15 court days before the hearing date.

26 (d) No hearing upon the petition shall be held until the
27 person who is committed has been under commitment
28 for confinement and care in a facility designated by the
29 Director of Mental Health for not less than one year from
30 the date of the order of commitment.

31 (e) The court shall hold a hearing to determine
32 whether the person committed would be a danger to the
33 health and safety of others in that it is likely that he or she
34 will engage in sexually violent criminal behavior due to
35 his or her ~~mental abnormality or personality~~ *diagnosed*
36 *mental* disorder if under supervision and treatment in the
37 community. If the court at the hearing determines that
38 the committed person would not be a danger to others
39 due to his or her ~~mental abnormality or personality~~
40 *diagnosed mental* disorder while under supervision and

1 treatment in the community, the court shall order the
2 committed person placed with an appropriate forensic
3 conditional release program operated by the state for one
4 year. A substantial portion of the state-operated forensic
5 conditional release program shall include outpatient
6 supervision and treatment. The court shall retain
7 jurisdiction of the person throughout the course of the
8 program. At the end of one year, the court shall hold a
9 hearing to determine if the person should be
10 unconditionally released from commitment on the basis
11 that, by reason of a ~~mental abnormality or personality~~
12 *diagnosed mental* disorder, he or she is not a danger to the
13 health and safety of others in that it is not likely that he
14 or she will engage in sexually violent criminal behavior.
15 The court shall not make this determination until the
16 person has completed at least one year in the
17 state-operated forensic conditional release program. The
18 court shall notify the Director of Mental Health of the
19 hearing date.

20 (f) Before placing a committed person in a
21 state-operated forensic conditional release program, the
22 community program director designated by the State
23 Department of Mental Health shall submit a written
24 recommendation to the court stating which forensic
25 conditional release program is most appropriate for
26 supervising and treating the committed person. If the
27 court does not accept the community program director's
28 recommendation, the court shall specify the reason or
29 reasons for its order on the record. The procedures
30 described in Sections 1605 to 1610, inclusive, of the Penal
31 Code shall apply to the person placed in the forensic
32 conditional release program.

33 (g) If the court determines that the person should be
34 transferred to a state-operated forensic conditional
35 release program, the community program director, or his
36 or her designee, shall make the necessary placement
37 arrangements and, within 21 days after receiving notice
38 of the court's finding, the person shall be placed in the
39 community in accordance with the treatment and

1 supervision plan unless good cause for not doing so is
2 presented to the court.

3 (h) If the court rules against the committed person at
4 the trial for unconditional release from commitment, the
5 court may place the committed person on outpatient
6 status in accordance with the procedures described in
7 Title 15 (commencing with Section 1600) of Part 2 of the
8 Penal Code.

9 (i) If the court denies the petition to place the person
10 in an appropriate forensic conditional release program or
11 if the petition for unconditional discharge is denied, the
12 person may not file a new application until one year has
13 elapsed from the date of the denial.

14 (j) In any hearing authorized by this section, the
15 petitioner shall have the burden of proof by a
16 preponderance of the evidence.

17 (k) If the petition for conditional release is not made
18 by the director of the treatment facility to which the
19 person is committed, no action on the petition shall be
20 taken by the court without first obtaining the written
21 recommendation of the director of the treatment facility.

22 (l) Time spent in a conditional release program
23 pursuant to this section shall not count toward the term
24 of commitment under this article unless the person is
25 confined in a locked facility by the conditional release
26 program, in which case the time spent in a locked facility
27 shall count toward the term of commitment.

28 SEC. 4. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

38 Notwithstanding Section 17580 of the Government
39 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

O

