

Assembly Bill No. 2593

CHAPTER 583

An act to amend Section 15202 of the Government Code, and to amend Section 4 of Chapter 437 of the Statutes of 1994, relating to trial costs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1996. Filed
with Secretary of State September 17, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2593, Brewer. Criminal procedures: extraordinary costs: reimbursement of counties.

(1) Existing law authorizes the Controller to reimburse a county for extraordinary costs in unusual homicide cases if the county provides sufficient justification of the need for the expenditures. Existing law requires a county, in making a request for reimbursement of extraordinary costs, to include a written statement from the assigned trial judge or the presiding judge that contains the opinion of the court as to whether these costs are reasonably necessary for the prosecution or defense of the case.

This bill would delete the requirement of a written statement and instead would prohibit a county from being reimbursed for costs for travel in excess of 1,000 miles on any single round trip without the prior approval of the Attorney General.

(2) Existing law authorizes the County of Calaveras to apply to the Controller for reimbursement of 100% of its costs incident to the homicide trial of Charles Chitat Ng, incurred between January 1, 1991, and January 1, 2000, but prohibits the County of Calaveras from being reimbursed for costs for travel in excess of 1,000 miles on any single round trip without the prior approval of the Attorney General.

This bill would delete the latter provision regarding reimbursement for travel costs in excess of 1,000 miles.

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

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

SECTION 1. Section 15202 of the Government Code, as amended by Section 1 of Chapter 388 of the Statutes of 1995, is amended to read:

15202. (a) A county with a population of 300,000 or less, at the time of the 1980 decennial census, that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Controller for reimbursement of 90 percent of the costs incurred by the county for each homicide trial or hearing,



without regard to fiscal years, in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county.

(b) (1) A county with a population of 200,000 or less, as of January 1, 1990, that is responsible for the cost of two or more trials or hearings within a fiscal year of a person or persons for the offense of homicide may apply to the Controller for reimbursement of 90 percent of the costs incurred in a fiscal year by the county for the conduct of the first trial within a fiscal year, and 85 percent of the costs incurred in a fiscal year by the county for the conduct of any and all subsequent trials or hearings in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county.

(2) A county with a population of 200,000 or less, as of January 1, 1990, that, within a fiscal year, is reimbursed for costs incurred by the county for the conduct of only one trial or hearing pursuant to subdivision (a) shall be reimbursed for that one trial or hearing in subsequent fiscal years for costs incurred in those subsequent fiscal years without again being required to expend county funds equal to 0.00625 of 1 percent of the full value of property assessed for purposes of taxation within the county, so long as all reimbursements to the county under this paragraph are for only that one trial or hearing.

For purposes of this subdivision, in determining the costs of a homicide trial, trials, hearing, or hearings, the costs shall include, all pretrial, trial, and posttrial costs incurred in connection with the investigation, prosecution, and defense of a homicide case or cases within a fiscal year, including, but not limited to, the costs incurred by the district attorney, sheriff, public defender, and witnesses, that were reasonably required by the court and participants in the case or cases, and other extraordinary costs associated with the investigation in homicide cases.

(c) A county with a population exceeding 300,000 at the time of the 1980 decennial census that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide may apply to the Controller for reimbursement of 80 percent of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.00625 of 1 percent, and not in excess of the amount of money derived from a tax of 0.0125 of 1 percent, and for reimbursement of 100 percent of the costs incurred in excess of the amount of money derived from a tax of 0.0125 percent, of the full value of property assessed for purposes of taxation within the county.

(d) The Controller shall not reimburse any county for costs that exceed the standards for travel and per diem expenses set forth in Sections 700 to 715, inclusive, and Section 718 of Title 2 of the California Code of Regulations. The Controller may reimburse extraordinary costs in unusual cases if the county provides sufficient justification of the need for these expenditures. Nothing in this



section shall permit the reimbursement of costs for travel in excess of 1,000 miles on any single round trip, without the prior approval of the Attorney General.

(e) The Legislature recognizes that the conduct of trials for persons accused of homicide should not be hampered or delayed because of a lack of funds available to the counties for that purpose. While this section is intended to provide an equitable basis for determining the allocation to the state of the costs of homicide trials in any particular county, the rising costs of those trials necessitate an objective study to assure reasonable financial restraints and incentives for cost-effectiveness that do not place an unreasonable burden on the treasury of the smaller counties.

This section shall remain operative only until January 1, 2000, and as of that date is repealed.

SEC. 2. Section 4 of Chapter 437 of the Statutes of 1994 is amended to read:

Sec. 4. The Legislature finds and declares that under existing law, including, but not limited to, Sections 11019.6 and 15202 of the Government Code, the County of Calaveras will not be reimbursed for the extraordinary expenses related to the homicide trial of Charles Chitat Ng that will cause a severe drain on its cash-flow. Therefore, notwithstanding any other provision of law, the County of Calaveras may apply to the Controller for reimbursement of 100 percent of its costs incident to the homicide trial of Charles Chitat Ng, incurred between January 1, 1991, and January 1, 2000.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the role of the Department of Justice in the reimbursement of counties by the Controller for costs incurred in homicide trials may be clarified at the earliest possible time, it is necessary that this act take effect immediately.

