

AMENDED IN SENATE JANUARY 27, 2000

AMENDED IN SENATE JANUARY 11, 2000

AMENDED IN SENATE JANUARY 3, 2000

SENATE BILL

No. 815

Introduced by Senator Chesbro
(Principal coauthor: Senator Monteith)
(Coauthor: Senator Leslie)

February 25, 1999

An act to ~~amend, add,~~ *add* and repeal Section 15202 of the Government Code, relating to state and local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 815, as amended, Chesbro. Homicide trial costs: reimbursement.

Prior law, which was repealed on January 1, 2000, authorized counties that are responsible for the cost of a homicide trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement by the state for the expenses incurred according to specified percentages based on population. On or after January 1, 2000, reimbursement is to be made pursuant to a single formula applicable to all counties.

This bill would ~~make~~ *reenact* the repealed formula, based on the county population, ~~applicable until January 1, 2005,~~ and ~~delay the operation of~~ *repeal* the provisions providing for a single reimbursement formula ~~until January 1, 2005.~~

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

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

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

1 SECTION 1. Section 15202 is added to the
2 Government Code, to read:

3 15202. (a) A county with a population of 300,000 or
4 less, at the time of the 1980 decennial census, that is
5 responsible for the cost of a trial or trials or any hearing
6 of a person for the offense of homicide may apply to the
7 Controller for reimbursement of 90 percent of the costs
8 incurred by the county for each homicide trial or hearing,
9 without regard to fiscal years, in excess of the amount of
10 money derived by the county from a tax of 0.00625 of 1
11 percent of the full value of property assessed for purposes
12 of taxation within the county.

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

26 (2) A county with a population of 200,000 or less, as of
27 January 1, 1990, that, within a fiscal year, is reimbursed for
28 costs incurred by the county for the conduct of only one
29 trial or hearing pursuant to subdivision (a) shall be
30 reimbursed for that one trial or hearing in subsequent
31 fiscal years for costs incurred in those subsequent fiscal
32 years without again being required to expend county
33 funds equal to 0.00625 of 1 percent of the full value of



1 property assessed for purposes of taxation within the
2 county, so long as all reimbursements to the county under
3 this paragraph are for only that one trial or hearing.

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

15 (c) A county with a population exceeding 300,000 at
16 the time of the 1980 decennial census that is responsible
17 for the cost of a trial or trials or any hearing of a person
18 for the offense of homicide may apply to the Controller
19 for reimbursement of 80 percent of the costs incurred by
20 the county in excess of the amount of money derived by
21 the county from a tax of 0.00625 of 1 percent, and not in
22 excess of the amount of money derived from a tax of
23 0.0125 of 1 percent, and for reimbursement of 100 percent
24 of the costs incurred in excess of the amount of money
25 derived from a tax of 0.0125 percent, of the full value of
26 property assessed for purposes of taxation within the
27 county.

28 (d) The Controller shall not reimburse any county for
29 costs that exceed the standards for travel and per diem
30 expenses set forth in Sections 700 to 715, inclusive, and
31 Section 718 of Title 2 of the California Code of
32 Regulations. The Controller may reimburse
33 extraordinary costs in unusual cases if the county provides
34 sufficient justification of the need for these expenditures.
35 Nothing in this section shall permit the reimbursement of
36 costs for travel in excess of 1,000 miles on any single round
37 trip, without the prior approval of the Attorney General.

38 (e) The Legislature recognizes that the conduct of
39 trials for persons accused of homicide should not be
40 hampered or delayed because of a lack of funds available



1 to the counties for that purpose. While this section is
2 intended to provide an equitable basis for determining
3 the allocation to the state of the costs of homicide trials in
4 any particular county, the rising costs of those trials
5 necessitate an objective study to assure reasonable
6 financial restraints and incentives for cost-effectiveness
7 that do not place an unreasonable burden on the treasury
8 of the smaller counties.

9 ~~This section shall remain operative only until January~~
10 ~~1, 2005, and as of that date is repealed.~~

11 SEC. 2. Section 15202 of the Government Code, as
12 amended by Section 3 of Chapter 437 of the Statutes of
13 1994, is ~~amended to read:~~ *repealed.*

14 ~~15202. A county which is responsible for the cost of a~~
15 ~~trial or trials or any hearing of a person for the offense of~~
16 ~~homicide may apply to the Controller for reimbursement~~
17 ~~of the costs incurred by the county in excess of the~~
18 ~~amount of money derived by the county from a tax of~~
19 ~~0.0125 of 1 percent of the full value of property assessed~~
20 ~~for purposes of taxation within the county.~~

21 ~~The Controller shall not reimburse any county for costs~~
22 ~~that exceed the State Board of Control's standards for~~
23 ~~travel and per diem expenses. The Controller may~~
24 ~~reimburse extraordinary costs in unusual cases if the~~
25 ~~county provides sufficient justification of the need for~~
26 ~~these expenditures. Nothing in this section shall permit~~
27 ~~the reimbursement of costs for travel in excess of 1,000~~
28 ~~miles on any single round trip, without the prior approval~~
29 ~~of the Attorney General.~~

30 ~~This section shall become operative on January 1, 2005.~~

31 SEC. 3. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or
33 safety within the meaning of Article IV of the
34 Constitution and shall go into immediate effect. The facts
35 constituting the necessity are:

36 In order to ensure that funding for homicide trials and
37 hearings is preserved and an unreasonable burden is not



1 placed on the treasuries of the smaller counties, it is
2 necessary that this act take effect immediately.

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