

Monday, August 25, 2025

Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

RE: Race-Blind Charging. 24-TC-07.

Dear Chair Stephenshaw and Members of the Commission on State Mandates,

The California State Association of Counties (CSAC) submits this comment letter regarding the test claim submitted by Santa Clara County, Sutter County and the City of Sacramento (claimants) for Chapter 806, Statutes of 2022 (Assembly Bill [2778](#), McCarty). The primary purpose of CSAC is to represent county government before the California Legislature, California administrative agencies, and the federal government. This includes advocating on the value and need for county programs and services and for adequate funding to provide those services. CSAC submits this letter in accordance with the Commission's July 24, 2025 "[Notice](#) of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date" which states that written comments may be submitted until 5:00pm on Monday, August 25, 2025. CSAC wishes to provide the subsequent comments in support of test claim 24-TC-07 submitted by the claimants on June 10, 2025.

As thoroughly examined in the test claim, the requirements of AB 2778 (Penal Code section 741) create a new program for local agencies that was freely imposed by the state. The activities required therein, in the interest of reducing racial bias within the state's criminal justice system, are unique to prosecuting local governmental agencies and do not affect the private sector, nor are these newly required activities the result of carrying out federal requirements or voter-approved statewide initiatives. Further, at this time, CSAC is not aware of any offsetting revenue dedicated to these newly mandated activities that would be deducted from the costs claimed by local agencies.

Critically, the race-blind charging procedures prescribed in Penal Code section 741 for initial charging evaluations do not define a new crime, change an existing definition of a crime, or change the penalty for a crime or infraction. An initial charging assessment is an evaluative process used to determine whether a person should be formally charged with a crime. While

the process for an initial charging assessment is amended by the test claim statute to reduce racial bias, should that person ultimately be charged with a crime, the definition of the crime and the range of penalties for their crime or infraction is unchanged. In this manner, the test claim submitted for race-blind charging is not unlike the previously approved test claim for the racial and identity profiling ([18-TC-02](#)), which also mandated new activities in the interest of reducing racial discrimination and included similar data reporting requirements to the state.

For these reasons, CSAC urges the Commission to approve the test claim as submitted. Thank you for your consideration of our comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jacqueline Wong-Hernandez". The signature is fluid and cursive, with the first name "Jacqueline" being more prominent.

Jacqueline Wong-Hernandez
Chief Policy Officer