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An act to add Part 7.5 (commencing with Section 17640) to Division 4
of Title 2 of the Government Code, relating to state government.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in enacting this legislation to establish the sole process by which a local government agency is authorized to seek a subvention of funds in accordance with Section 6 of Article XIII B of the California Constitution to reimburse the costs of complying with the Racial and Identity Profiling Act of 2015 (Chapter 466 of the Statutes of 2015).

SEC. 2. Part 7.5 (commencing with Section 17640) is added to Division 4 of Title 2 of the Government Code, to read:

PART 7.5. STATE-MANDATED LOCAL COSTS FOR THE RACIAL AND
IDENTITY PROFILING ACT OF 2015

17640. Notwithstanding any other law, including, but not limited to, Part 7 (commencing with Section 17500), a local government agency shall only request a subvention of funds in accordance with Section 6 of Article XIII B of the California Constitution to reimburse the costs of complying with the Racial and Identity Profiling Act of 2015 (Chapter 466 of the Statutes of 2015) pursuant to this part. Applying for a reimbursement of costs pursuant to this part shall preclude a local government agency from filing a claim with the Commission on State Mandates for a reimbursement for any other cost of complying with the Racial and Identity Profiling Act of 2015 (Chapter 466 of the Statutes of 2015).

17642. (a) The department shall develop a methodology to determine the amount of and administer a subvention of funds to reimburse a local government agency for



the costs of complying with the Racial and Identity Profiling Act of 2015 (Chapter 466 of the Statutes of 2015), including, but not limited to, the costs for the collection and reporting of stop data.

(b) In developing the methodology pursuant to subdivision (a), the department shall consider, but not be limited to, all of the following:

- (1) Regulations promulgated by the Attorney General.
- (2) Changes in workload associated with the collection and reporting of stop data.
- (3) Changes in information technology costs due to stop data collection and reporting requirements.
- (4) Any new or system upgrade necessary for stop data collection.

17644. The department shall not authorize a subvention of funds to reimburse a general administrative cost of a local government agency, including, but not limited to, the cost of administering any funds received pursuant to this part.

17646. (a) A subvention of funds to reimburse a local government agency approved by the department pursuant to this part shall be funded from the General Fund upon appropriation by the Legislature.

(b) The department may, upon appropriation by the Legislature, augment Item 9210-103-0001 of the annual Budget Act no sooner than 30 days after written notification is provided to the chairpersons of the fiscal committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee.

17648. For purposes of this part, the following definitions apply:

- (a) "Department" means the Department of Finance.



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(b) "Local government agency" means a local agency that employs peace officers within the meaning of Section 12525.5.

(c) "Stop" has the same meaning as defined in Section 12525.5.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: The Racial and Identity Profiling Act of 2015: subvention of funds to reimburse local government agency costs of compliance.

The Racial and Identity Profiling Act of 2015, among other things, requires each local government agency that employs peace officers, as defined, to comply with certain duties, including, among others, annually reporting to the Attorney General specified data on all stops, as defined, conducted by the local government agency's peace officers for the preceding calendar year. The California Constitution requires the state to provide a subvention of funds to reimburse a local government for the costs of a new program or higher level of service, except as specified. Existing law establishes a procedure for a local government agency to file a claim for reimbursement with the Commission on State Mandates.

This bill would establish the sole process by which a local government agency may seek a subvention of funds to reimburse the costs of complying with the Racial



and Identity Profiling Act of 2015 and would require a local government agency, pursuant to that process, to seek reimbursement from the Department of Finance. The bill would require the department to, among other things, develop a methodology to determine the amount of and administer the subvention of funds for these purposes. The bill would prohibit the department from authorizing a subvention of funds to reimburse a general administrative cost of a local government agency. The bill would specify that a subvention of funds to reimburse a local government agency approved by the department pursuant to these provisions will be funded from the General Fund upon appropriation by the Legislature, and that the department may, upon appropriation by the Legislature, augment a specified item of the annual Budget Act pursuant to a certain procedure. The bill would define terms for its purposes.

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

