



State Controller Claims:

Seeking Reimbursement for
Select Public Defense Costs



**Office of the State
Public Defender**

August 2026

Introduction

This guide provides an overview of state reimbursement mechanisms available to California counties for public defense costs incurred in specific circumstances: Penal Code § 4750 reimbursement for cases arising out of state prisons and habeas writs filed by state prisoners, and “state mandate” reimbursements in sexually violent predator proceedings, juvenile advisements pursuant to Welfare & Institutions Code § 625.6, and the emerging area of Racial Justice Act litigation.

For each claim type, the guide provides an overview of reimbursable costs and relevant timelines, as well as links to claiming forms and instructions. While this guide is intended to assist counties getting started with the reimbursement process, the State Controller’s Office promulgates the official rules and instructions governing claims. It is crucial that any county seeking reimbursement read and closely follow the guidance and requirements provided directly by the State Controller.

Seeking reimbursement across any of these case types requires tracking of attorney hours and defense expenses, which itself requires time and resources. A collaborative approach between county administration and its public defense provider will yield the best results in the claiming process.



**Office of the State
Public Defender**

California Penal Code § 4750: Reimbursement for Representation Costs Tied to State Prisons and State Prisoners

California Penal Code § 4750 authorizes county reimbursement for costs stemming from in-prison criminal charges and habeas writs filed by state prisoners.¹ Penal Code § 4751(d) expressly identifies public defender and court-appointed attorney representation in such cases as a reimbursable expense, allowing counties to recover defense representation costs on these specialized cases directly from the state.²

Eligible for reimbursement

- *All counties:* Representation on any hearing on return of a writ of habeas corpus filed by a state prisoner in the county's court.³
- *Counties with state prisons/CDCR facilities:* Representation costs arising from crimes committed at a CDCR facility within the county, whether by a prisoner, employee, or other person.⁴

Reimbursable costs

All costs incurred by the public defender or court-appointed attorney with respect to any matter set forth in Penal Code § 4750 are eligible for reimbursement.⁵ These reimbursable costs include:⁶

- Attorney time, including client visits and preparation, in addition to court appearances, hearings, and trials
- First-line supervision of attorneys performing the work
- Support staff time
- Investigators and other professional services
- Travel costs, such as mileage, room and board, and per diem
- Necessary expert witness fees
- Indirect costs of 15%
- Any other reasonable costs "incurred... in connection [with the matter]"

For counties with a public defender office, this includes prorated portions of the salary/benefits of the county employees performing the eligible work. For cases with appointed counsel, counsel fees, costs, and ancillary expenses are eligible if appointment is undertaken pursuant to Penal Code § 987.2.

1. Pen. Code, § 4750, subds. (a), (c).

2. Pen. Code, § 4751, subd. (d).

3. Pen. Code, § 4750, subd. (c); State Controller's Office, Claiming Instructions for Local Court Costs and Other Related Charges Pursuant to Penal Code § 4750 (2025) p. 3 [indicating that the cover page of the writ of habeas corpus can be submitted along with proof of costs incurred for attorneys, investigators, experts, and supplies.]

4. Pen. Code, § 4750, subds. (a), (b), (d), (h). [This also includes any crime committed by the prisoner in furtherance of an escape within 10 days and 1,000 miles of the facility and crimes committed at a community correctional facility contracted by CDCR; trials or hearings on the question of sanity of a prisoner; and crimes committed by state inmates who are residing in the state hospital as "mentally disordered" individuals per Welf. & Inst., § 7200.]

5. Pen. Code, § 4751, subd. (d).

6. State Controller's Office, Claiming Instructions for Local Court Costs and Other Related Charges Pursuant to Penal Code § 4750 (2025) p. 10.

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Timeline for reimbursement

Claims under Penal Code § 4750 must be submitted within six months of the expenses incurred.⁷ For this reason, the State Controller's Office recommends filing claims monthly.⁸

The State Controller's Office shall reimburse the county treasurer within 60 days of receipt of the claim or otherwise provide a written statement regarding denial of reimbursement.⁹

Seeking reimbursement

Claims for Penal Code § 4750 reimbursement are submitted directly to the State Controller's Office. Guidance on required forms and documentation are found here:

- [State Controller Penal Code § 4750 Resources](#)
- [Claiming Instructions](#)
- [Electronic Claim Submission Instructions](#)

State Mandated Programs

Under the California Constitution, the state is required to reimburse local agencies whenever the Legislature mandates a new program requiring counties to incur costs, with some important exclusions.¹⁰

In order to establish a new program as a "state mandate," thus triggering the state's reimbursement obligation, a local government must file a test claim with the Commission on State Mandates within one year of first incurring costs or within one year of the new legislation going into effect, whichever is later.¹¹ If the Commission finds the claimed program constitutes a state mandate, it adopts parameters and guidelines defining the reimbursable activities.¹² The State Controller then issues claiming instructions, and the Commission develops a statewide cost estimate for submission to the Legislature.¹³

Eligible for reimbursement

The following criminal legal system-related programs are state mandates eligible for reimbursement:

- Sexually Violent Predator (SVP) proceedings¹⁴
- Attorney consultations for 16-17 year olds prior to custodial interrogation¹⁵
- Some Racial Justice Act (RJA) litigation¹⁶

7. Pen. Code, § 4750, subd. (j).

8. State Controller's Office, Claiming Instructions for Local Court Costs and Other Related Charges Pursuant to Penal Code § 4750 (2025) p. 3.

9. State Controller's Office, Claiming Instructions for Local Court Costs and Other Related Charges Pursuant to Penal Code § 4750 (2025) p. 5.

10. Cal. Const., art. XIII B, § 6.

11. Gov. Code, § 17551, subd. (c); State of California, Commission on State Mandates Guide, p. 3.

12. See Gov. Code, § 17557.

13. Gov. Code, § 17558, subd. (b); Gov. Code, § 17553, subd. (a)(2); State of California, Commission on State Mandates Guide, p. 3.

14. Welf. & Inst. Code, §§ 6602-6605; County of San Diego v. Commission on State Mandates (2016) 7 Cal.App.5th 12; County of San Diego v. Commission on State Mandates (2018) 6 Cal.5th 196.

15. Welf. & Inst. Code, § 625; State of California, Commission on State Mandates—Report to the Legislature: Approved Mandate Claims, Juveniles: Custodial Interrogation, 21-TC-01, July 1, 2024.

16. State Mandate Decision and Parameters and Guidelines, Criminal Procedure: Discrimination, 24-TC-02.

Reimbursable costs

Sexually Violent Predator (SVP) Proceedings¹⁷

When the involuntary civil commitment of an incarcerated individual is sought pursuant to Welfare and Institutions Code § 6600 et. seq., the following activities of indigent defense counsel are eligible for reimbursement:¹⁸

- Preparation and representation at the probable cause hearing¹⁹
- Preparation and representation at trial²⁰
- Preparation and representation at subsequent hearings on the individual's ongoing commitment²¹
- Retention of necessary experts, investigators, and professionals for preparation and representation at trial and subsequent hearings on the individual's ongoing commitment²²

Juveniles: Custodial Interrogation Consultations

Welfare and Institutions Code § 625.6 requires counties provide youth under age 18 with an opportunity to consult with an attorney before a custodial interrogation by law enforcement.²³ The following related costs are reimbursable:

- Providing attorney consults to youth, ages 16 and 17, in person, by telephone, or by video conference prior to a custodial interrogation and before the waiver of any Miranda rights²⁴

Note: *The test case establishing § 625.6 consultations as a state mandate only addressed services to youth aged 16 and 17. Consultations/services to youth under 16 are not currently established as reimbursable.*²⁵

Timeline for reimbursement

Claims must be filed by February 15 following the fiscal year in which costs were incurred.²⁶ Claims filed after the deadline must be reduced by a 10% late penalty.²⁷ Claims filed more than one year after the deadline will not be accepted.²⁸

17. Welf. & Inst. Code, §§ 6602–6605; County of San Diego v. Commission on State Mandates (2016) 7 Cal.App.5th 12; Cal. Const., art. XIII B, § 6.

18. County of San Diego v. Commission on State Mandates (2016) 7 Cal.App.5th 12; State Controller's Office, State-Mandated Costs Claiming Instructions No. 2010-20, Oct. 1, 2025.

19. Welf. & Inst. Code, § 6602.

20. Welf. & Inst. Code, §§ 6603, 6604.

21. Welf. & Inst. Code, §§ 6605, 6608.

22. Welf. & Inst. Code, §§ 6603, 6605, subd. (d).

23. Welf. & Inst. Code, § 625.6.

24. Senate Bill No. 203 (2019–2020 Reg. Sess.), Stats. 2019, ch. 161 (amending Welf. & Inst. Code, § 625.6). State of California, Commission on State Mandates—Report to the Legislature: Approved Mandate Claims, Juveniles: Custodial Interrogation, 21-TC-01, July 1, 2024.

25. The test claim establishing youth consultations as a state mandate was filed in response to Senate Bill No. 203 (2019–2020 Reg. Sess.), which requires consultations for youth aged 16 and 17. The Commission on State Mandates has not yet considered whether consultations for youth 15 and under are reimbursable because no local government has filed a test claim related to Senate Bill No. 395 (2017–2018 Reg. Sess.) which requires the same consultations for youth ages 15 and younger.

26. Gov. Code, § 17560, subd. (a).

27. Gov. Code, § 17568.

28. Ibid.

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Racial Justice Act (RJA) Litigation

Los Angeles County filed a test claim seeking reimbursement for costs arising from the Los Angeles County Public Defender's representation of an incarcerated, indigent petitioner on a post-conviction RJA claim where judgment was entered prior to January 1, 2021.

The Commission on State Mandates approved the Los Angeles test claim, finding that RJA litigation under Penal Code § 745 (j) (3) constitutes a state mandate and that costs to provide counsel to these petitioners qualifies for reimbursement.

RJA representation currently eligible for reimbursement

Counties can seek reimbursement for the costs of RJA petitioner representation when:²⁹

- The petitioner files a habeas corpus petition on or after January 1, 2024, alleging a violation of the RJA;
- The petitioner's criminal judgment was entered before January 1, 2021;
- The petitioner is currently serving a sentence in state prison, county jail, or the Division of Juvenile Justice; and
- Counsel was appointed by the court pursuant to Penal Code § 1473 (e)(5).

Note: While the current state mandate covers RJA representation for cases falling under Penal Code § 745 (j)(3), Sacramento County filed a test claim on April 10, 2026, seeking reimbursement for RJA representation under Penal Code § 745 (j) (2), (j)(4), and (j)(5). That test claim is currently pending.

RJA reimbursement claim deadlines

On May 19, 2026, the State Controller's Office released claiming instructions for RJA claims, starting a 120-day clock for counties to seek reimbursement for any costs arising during the Initial Claim Period of July 1, 2023 - June 30, 2025.

Costs incurred after the Initial Claim Period – i.e. costs incurred on or after July 1, 2025 – follow the standard annual claiming process. These annual claims must be filed by February 15 of the following fiscal year.

Costs from the Initial Claim Period will inform a statewide cost estimate provided by the Commission on State Mandates to the Legislature in late 2026.

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- *Initial Claim Period Reimbursements*
 - **September 16, 2026:** Claims for costs incurred between July 1, 2023, and June 30, 2025, must be filed by this date to avoid a late penalty.³⁰
 - **September 16, 2027:** Late claims for costs incurred from July 1, 2023, to June 30, 2025, can be filed until this date but will be assessed a 10% penalty of the total amount of the initial claim.³¹
- *Annual Claim Reimbursements Going Forward*
 - Claims for costs incurred from July 1, 2025, forward must be filed by February 15 of the following fiscal year.³²
 - Claims filed after the deadline will be reduced by a 10% late penalty.³³
 - Claims filed more than one year after the deadline will not be accepted.³⁴

State Mandate Resources

- **State Mandate Reimbursement**
 - [Electronic claim submission instructions](#)
 - [Mandated cost manual](#)
 - [Frequently Asked Questions Related to State-Mandated Cost Programs](#)
 - [State Mandated Programs Website](#)
- **Sexually Violent Predator**
 - [Sexually Violent Predator - Claiming Instructions](#)
 - [Sexually Violent Predator - Parameters and Guidelines](#)
- **Juvenile: Custodial Interrogation**
 - [Juvenile: Custodial Interrogation - Claiming Instructions](#)
 - [Juvenile: Custodial Interrogation - Parameters and Guidelines](#)
- **Racial Justice Act**
 - [Racial Justice Act - Claiming Instructions](#)
 - [Racial Justice Act - Parameters and Guidelines](#)

Technical Assistance

The Indigent Defense Improvement Division at OSPD is available to provide resources and technical assistance to defense offices and county leaders. Contact the Indigent Defense Improvement Division's Capacity Building team at: capacitybuilding@ospd.ca.gov.

30. Gov. Code, § 17561.
31. Gov. Code, § 17561, subd. (d)(3).
32. Gov. Code, § 17560(a).
33. Gov. Code, § 17568.
34. Ibid.



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