

Staff Report 46

APPLICANT:

U.S. Department of Veterans Affairs (VA)

PROPOSED ACTION:

Consider Cession of Concurrent Criminal Legislative Jurisdiction pursuant to California Government Code Section 126.

AREA, LAND TYPE, AND LOCATION:

Federal lands comprising the Veterans Affairs Loma Linda Healthcare System (VALLHS), located at 11201 Benton Street, Loma Linda, San Bernardino County.

TERM:

10 years.

BACKGROUND:

Pursuant to Government Code section 126, the Commission is authorized, on behalf of the State of California, to cede concurrent criminal legislative jurisdiction to the United States. Legislative jurisdiction is the authority to make and enforce laws within a geographic area. When the State cedes concurrent criminal legislative jurisdiction, it grants the federal government the authority to enforce State criminal law over federal property, yet retains its enforcement authority. The United States seeks the cession because criminal law of the United States is limited, whereas State criminal law is much more comprehensive. The State, generally, has the authority to exercise its criminal law on federal lands, but the United States cannot do the same without receiving a cession of legislative jurisdiction. This concurrent, or shared, authority provides for greater flexibility in enforcing criminal law. State or local law enforcement officials may struggle to access large or remote federal properties, such as military bases or national parks. However, if the state cedes concurrent criminal legislative jurisdiction over such properties, federal law enforcement officials may respond to incidents, ensuring a timelier response while reducing strain on state and local officials.

The Commission may cede concurrent criminal legislative jurisdiction only upon finding:

- A. The United States has requested such cession in writing.
- B. The federal lands are held for the erection of forts, magazines, arsenals, dockyards and other needful buildings within the purview of clause 17, section 8, article I of the United States Constitution or other federal purpose.
- C. The cession is made pursuant to and in compliance with the laws of the United States.
- D. A notice of the proposed cession has been given to the clerk for the board of supervisors of the county in which the federal lands are located at least 15 days before the proposed cession.
- E. The proposed cession is in the best interests of the State of California.
- F. The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Upon making these findings and the Commission having made a cession, the State and the United States will equally share the State's criminal legislative jurisdiction over lands affected by the cession. The cession shall continue only so long as the lands are owned by the United States and used for the purposes for which jurisdiction is ceded or for 10 years, whichever period is less. In ceding concurrent criminal legislative jurisdiction, the State reserves its full civil legislative jurisdiction including its jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

PROPOSED ACTION:

By letter signed by Karandeep Sraon, Medical Center Director of the VA, dated September 19, 2019, the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over the lands at the VALLHS, more particularly described in Exhibit A, for a 10-year period for federal purposes. The VA utilizes these lands to provide healthcare for veterans.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Government Code section 126.

STATE'S BEST INTERESTS:

Ceding concurrent criminal legislative jurisdiction over the VALLHS to the United States will share the State's authority to make and enforce California's criminal law with the United States. Accordingly, the United States could independently enforce criminal law for crimes committed on these facilities instead of relying on local law enforcement to respond and enforce the law. Thus, the proposed cession would alleviate the burden on local law enforcement agencies while preserving their authority to enforce the law for crimes committed at these facilities, if needed. For these reasons, staff believes that the cession of concurrent criminal legislative jurisdiction is in the best interests of the State.

CONCLUSION:

For all the reasons above, staff believes that approval of the requested cession is in the State's best interests.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the requested cession is a discretionary action by the Commission. Each time the Commission approves or rejects a cession, it exercises legislatively delegated authority. If the Commission denies the requested cession, all legislative jurisdiction will remain with the State. If the Commission approves the requested cession, the United States will share concurrent criminal legislative jurisdiction with the State but have no right to a new cession upon expiration of the requested cession.
2. This action is consistent with the "Committing to Collaborative Leadership" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Commission staff gave notice of the proposed cession to the Clerk for the Board of Supervisors of San Bernardino County on February 4, 2022.
4. The subject cession of jurisdiction is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBIT:

A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

1. Find that the following requirements of Government Code section 126 have been satisfied:
 - a. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibit A, attached and by reference made a part hereof, within San Bernardino County, State of California.
 - b. The lands are held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of clause 17 of section 8 of article I of the Constitution of the United States, or for another federal purpose.
 - c. The cession is made pursuant to and in compliance with the laws of the United States.
 - d. Notice of the proposed cession has been given to the clerk for the board of supervisors of San Bernardino County, in which the federal lands are located, at least 15 days before the proposed cession.
 - e. The proposed cession is in the best interests of the State.
 - f. The United States has agreed to compensate the State of California for its cost incurred in processing the cession.
2. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit A, San Bernardino County, for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.

3. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction for the session and have it recorded in the official records of San Bernardino County.

EXHIBIT A

WO: FJ0136.12

LAND DESCRIPTION

City of Loma Linda, County of San Bernardino, State of California, as shown on map recorded in Book 0284, Page 15, inclusive, of Miscellaneous Records, in the office of the County Recorder, of said County, bounded and described more particularly as follows:

Parcel 0284151010000:

Lot 4, Block 46, according to the map of Mound City, as per plat recorded in Book 6 of Maps, Page 28, records of San Bernardino County, State of California, together with the south half of Central Avenue, vacated, adjacent to the northerly side of said lot 4, and

The westerly 419.85 feet of Lot 4, Block 47, according to the map of Mound City as per plat recorded in Book 6 of Maps, Page 28, records of San Bernardino County, State of California. (15.0 acres)

The westerly 68.90 feet of Lot 2, Block 47, Lot 3, Block 47 and Lot 4, Block 47, except the westerly 419.85 feet of Lot 4, Block 47, according to the map of Mound City, as per plat recorded in Book 6, page 28, records of San Bernardino County, State of California. (12.889 acres)

Lot 3, Block 46, Mound City Tract, in the County of San Bernardino, State of California, as per Map Recorded in Book 6, Page 28 of Maps, in the office of the County Recorder of Said County.

Together with the South one-half of Central Avenue, now Vacated, Adjacent to the Said Lot 3 on the North, as set out in the Minutes to the Board of Supervisors of San Bernardino County Dated January 4, 1909 in Book P of Minutes, page 48. (9.644 acres)

SUBJECT TO: Covenants, conditions, restrictions, reservations, rights, rights of way and easements of records.

END OF DESCRIPTION

The above description was provided by the U.S. Department of Veterans Affairs.