

AMENDED IN ASSEMBLY MARCH 28, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

AMENDED IN ASSEMBLY MARCH 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1900**

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**Introduced by Assembly Member Nava**

February 7, 2008

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An act to add Section 103629 to the Health and Safety Code, and to add Section 368.1 to the Penal Code, relating to seniors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1900, as amended, Nava. Senior services: fees and penalties.

(1) Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates.

This bill would authorize a county board of supervisors, upon making findings and declarations supporting the need for senior services in the county, to authorize an increase in fees for certified copies of a death record, for the purpose of supporting county senior services, up to a maximum increase of \$3, by adoption of an ordinance, subject to certain conditions.

This bill would require any proceeds collected pursuant to the above provisions to be deposited by the county treasurer into a special county healthy seniors fund for allocation by the county board of supervisors to support county senior services, *as specified*.

(2) Existing law proscribes various crimes committed against an elder or dependent adult when the person has knowledge that the victim is an elder or dependent adult related to physical and financial abuse, including causing or permitting an elder or dependent adult to suffer or

inflicting thereon unjustifiable physical pain or mental suffering and violating any provision of law proscribing theft, embezzlement, forgery, fraud, or identity theft, with respect to the person or property of an elder or dependent adult.

This bill would, upon conviction for the above crimes, impose an additional penalty assessment in the amount of 10% of the fine, if any, imposed for a conviction of the above crimes, to be deposited by the county treasurer into a special county healthy seniors fund for allocation by the county board of supervisors to support county senior services, *as specified*.

(3) Because this bill would require additional duties of local officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Healthy Seniors Act of 2008.

3 SEC. 2. Section 103629 is added to the Health and Safety Code,  
4 to read:

5 103629. (a) (1) A county board of supervisors, upon making  
6 findings and declarations supporting the need for senior services  
7 in the county, may authorize an increase in the fees for certified  
8 copies of a death record, up to a maximum increase of three dollars  
9 (\$3), by the adoption of an ordinance, if the ordinance authorizing  
10 the fee increase is approved by the board of supervisors, ~~if required,~~  
11 ~~and~~ *and, if required,* is subsequently submitted to and approved  
12 by the voters of the county in accordance with Article 3.7  
13 (commencing with Section 53720) of Chapter 4 of Part 1 of  
14 Division 2 of Title 5 of the Government Code.

15 (2) For purposes of this section, a death record shall not include  
16 a fetal death record.

17 (3) Effective July 1 of each year, the county board of supervisors  
18 may authorize an increase in the fee imposed pursuant to paragraph

1 (1) by an amount equal to the increase in the Consumer Price Index  
2 for the standard metropolitan or micropolitan statistical area in  
3 which the county is located, rounded to the nearest dollar.

4 (b) (1) ~~Proceeds~~*In an effort to support senior services in the*  
5 *county, proceeds* collected pursuant to this section shall be  
6 deposited by the county treasurer into a special county healthy  
7 seniors fund for allocation by the county board of supervisors to  
8 nonprofit senior service providers, as chosen by the county board  
9 of supervisors, or its designee, ~~in an effort to support senior~~  
10 ~~services in the county or to the public guardian for services~~  
11 *provided to seniors, or both.* The special county healthy seniors  
12 fund shall be the same fund used by the county to deposit moneys  
13 from healthy senior penalty assessments collected pursuant to  
14 Section 368.1 of the Penal Code. A county may retain what money  
15 is necessary for administrative costs associated with collecting the  
16 fees from the moneys deposited into the special fund.

17 (2) Any fees authorized by subdivision (a) shall not exceed the  
18 cost of supporting senior services in the county.

19 (3) Moneys deposited into a special county healthy seniors fund  
20 pursuant to this subdivision shall supplement, and shall not  
21 supplant, any local funds made available to support senior services  
22 in the county *or to the public guardian.*

23 SEC. 3. Section 368.1 is added to the Penal Code, to read:

24 368.1. (a) Any person convicted of a violation of Section 368,  
25 in addition to any other fine, assessment, or imprisonment imposed  
26 pursuant to law, shall pay a healthy seniors penalty assessment in  
27 the amount of 10 percent of the fine, if any, imposed pursuant to  
28 Section 368.

29 (b) Notwithstanding any other provision of law, *in an effort to*  
30 *support senior services in the county,* the moneys from healthy  
31 senior penalty assessments collected pursuant to subdivision (a)  
32 shall be deposited by the county treasurer into a special county  
33 healthy seniors fund for allocation by the county board of  
34 supervisors to nonprofit senior service providers, as chosen by the  
35 county board of supervisors, or its designee, ~~in an effort to support~~  
36 ~~senior services in the county or to the public guardian for services~~  
37 *provided to seniors, or both.* The special county healthy seniors  
38 fund shall be the same fund used by the county to deposit proceeds  
39 collected pursuant to Section 103629 of the Health and Safety  
40 Code. A county may retain what money is necessary for

1 administrative costs associated with collecting this penalty  
2 assessment from the moneys deposited into the special fund.

3 (c) Moneys deposited into a special county healthy seniors fund  
4 pursuant to subdivision (b) shall supplement, and shall not supplant,  
5 any local funds made available to support senior services in the  
6 county *or to the public guardian*.

7 SEC. 4. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 a local agency or school district has the authority to levy service  
10 charges, fees, or assessments sufficient to pay for the program or  
11 level of service mandated by this act, within the meaning of Section  
12 17556 of the Government Code.