

Introduced by Senator AlquistFebruary 22, 2007

An act to add Section 26840.12 to the Government Code, to add Section 103629 to the Health and Safety Code, and to add Section 18309.6 to the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 605, as introduced, Alquist. Santa Clara County: domestic violence.

Existing law provides for county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license is issued may be collected by the county clerks for deposit into these funds.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates. Existing law authorizes the board of supervisors of a county that has established a county children's trust fund to increase the fee for a certified copy of a birth certificate for purposes of the fund.

Existing law, the Contra Costa County "Zero Tolerance for Domestic Violence" Act, authorizes the Board of Supervisors of Contra Costa County, until 2007, to increase fees, up to a maximum increase of \$2, for certified copies of marriage certificates, birth certificates, fetal death records, and death records, for the purposes of providing funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

This bill would authorize the Board of Supervisors of Santa Clara County to make similar increases for government oversight and coordination of the multiple agencies dealing with domestic violence.

This bill would make legislative findings regarding the need for special legislation.

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

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

1 SECTION 1. Section 26840.12 is added to the Government
2 Code, to read:

3 26840.12. (a) The Santa Clara County Board of Supervisors,
4 upon making findings and declarations for the need for
5 governmental oversight and coordination of the multiple agencies
6 dealing with domestic violence, may authorize an increase in the
7 fees for marriage licenses and confidential marriage licenses, up
8 to a maximum increase of two dollars (\$2).

9 (b) Effective July 1 of each year, the Santa Clara County Board
10 of Supervisors may authorize an increase in these fees by an
11 amount equal to the increase in the Consumer Price Index for the
12 San Francisco metropolitan area for the preceding calendar year,
13 rounded to the nearest fifty cents (\$0.50). The fees shall be
14 allocated pursuant to Section 18309.6 of the Welfare and
15 Institutions Code.

16 (c) In addition to the fee prescribed by Section 26840.1, in Santa
17 Clara County, the person issuing authorization for the performance
18 of a marriage or confidential marriage, or the county clerk upon
19 providing a blank authorization form pursuant to Part 4
20 (commencing with Section 500) of Division 3 of the Family Code,
21 shall collect the fees specified in subdivisions (a) and (b), at the
22 time of providing the authorization.

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

25 103629. (a) The Santa Clara County Board of Supervisors,
26 upon making findings and declarations for the need for
27 governmental oversight and coordination of the multiple agencies
28 dealing with domestic violence, may authorize an increase in the
29 fees for certified copies of marriage certificates, birth certificates,
30 fetal death records, and death records, up to a maximum increase
31 of two dollars (\$2).

32 (b) Effective July 1 of each year, the Santa Clara County Board
33 of Supervisors may authorize an increase in these fees by an

1 amount equal to the increase in the Consumer Price Index for the
2 San Francisco metropolitan area for the preceding calendar year,
3 rounded to the nearest fifty cents (\$0.50). The fees shall be
4 allocated pursuant to Section 18309.6 of the Welfare and
5 Institutions Code.

6 (c) In addition to the fees prescribed by subdivisions (a) and
7 (b), any applicant for a certified copy of a birth certificate, a fetal
8 death record, or death record in Santa Clara County shall pay an
9 additional fee to the local registrar, county recorder, or county
10 clerk as established by the Santa Clara County Board of
11 Supervisors.

12 SEC. 3. Section 18309.6 is added to the Welfare and
13 Institutions Code, to read:

14 18309.6. The Santa Clara County Board of Supervisors shall
15 direct the local registrar, county recorder, and county clerk to
16 deposit fees collected pursuant to Section 27840.12 of the
17 Government Code and Section 103629 of the Health and Safety
18 Code into a special fund.

19 The county may retain up to 4 percent of the fund for
20 administrative costs associated with the collection and segregation
21 of the additional fees and the deposit of these fees into the special
22 fund. Proceeds from the fund shall be used for governmental
23 oversight and coordination of domestic violence and family
24 violence prevention, intervention, and prosecution efforts among
25 the court system, the district attorney's office, the public defender's
26 office, law enforcement, the probation department, mental health,
27 substance abuse, child welfare services, adult protective services,
28 and community-based organizations and other agencies working
29 in Santa Clara County in order to increase the effectiveness of
30 prevention, early intervention, and prosecution of domestic and
31 family violence.

32 SEC. 4. Due to the unique circumstances of the County of
33 Santa Clara with respect to domestic violence, the Legislature
34 hereby finds and declares that a general statute cannot be made
35 applicable within the meaning of Section 16 of Article IV of the
36 California Constitution. Therefore, the special legislation contained
37 in Sections 2 to 7, inclusive, of this act is necessarily applicable
38 only in the County of Santa Clara.

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