

AMENDED IN ASSEMBLY FEBRUARY 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 73

Introduced by Assembly Member Hayashi
(Coauthors: Senators Hancock and Wiggins)

December 15, 2008

An act to amend Sections 26840.10 and 26840.11 of the Government Code, to amend Sections 103627 and 103628 of the Health and Safety Code, and to amend Sections 18309 and 18309.5 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, as amended, Hayashi. Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees

for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would extend the operation of those provisions indefinitely.

Existing law requires the Alameda County Board of Supervisors and the Solano County Board of Supervisors to submit to the Assembly and Senate Committees on Judiciary, by July 1, 2009, reports regarding the above fee increases, as specified.

This bill would, instead, require those boards of supervisors to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014.

The bill would also make technical, nonsubstantive related changes.

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. *The Legislature finds and declares all of the*
 2 *following:*

3 (a) *According to the 2005 California Women’s Health Survey,*
 4 *in California, 9.2 percent of women live in homes where domestic*
 5 *abuse occurs. According to the Department of Justice, in 2006,*
 6 *Alameda County law enforcement responded to 7,331 calls relating*
 7 *to domestic violence. Domestic violence is ubiquitous and cuts*
 8 *across all economic and education levels and all age groups,*
 9 *ethnicities, and other social and community characteristics.*

10 (b) *According to 2006 statistics from the federal Bureau of*
 11 *Justice Statistics, in nearly half of violent crimes where the victim*
 12 *and the aggressor are related, the aggressor is either the spouse*
 13 *or ex-spouse of the victim. Marriage license fees collected pursuant*
 14 *to this act would help communities intervene and prevent domestic*
 15 *violence when the aggressor is the spouse or ex-spouse of the*
 16 *victim.*

17 (c) *According to the National Woman Abuse Prevention Project*
 18 *in Washington, D.C., domestic violence puts children at risk.*
 19 *Children born into families where domestic violence occurs are*
 20 *physically abused or seriously neglected at a rate that is*
 21 *significantly higher than the national average in the general*
 22 *population. Birth certificate fees collected pursuant to this act*

1 *would help communities with the cost of ensuring that children*
2 *who are born into families with domestic violence receive the help*
3 *they need.*

4 *(d) Studies show more than 10 percent of women are victims of*
5 *domestic violence during pregnancy. According to a January 2009*
6 *study published in The Lancet (a British medical journal), pregnant*
7 *women who are assaulted by their spouses are 50 percent more*
8 *likely to experience fetal loss, often repeatedly, than women who*
9 *are not abused during pregnancy. Women who are battered during*
10 *pregnancy are also more likely to die or have children who are*
11 *born prematurely with low-birth weights and intense medical*
12 *needs. Fetal death certificate fees would help communities with*
13 *what it costs to ensure that pregnant women with violent spouses*
14 *receive help, protection, and care for their unborn children and*
15 *infants.*

16 *(e) Domestic violence is a learned behavior and generational.*
17 *Studies show that boys who witness family violence are 100 times*
18 *more likely to batter their female partners and girls who witness*
19 *their mother's abuse are more likely to be battered as adults.*

20 *(f) Domestic violence costs are high because, not only is there*
21 *a toll on families emotionally and financially, but there are also*
22 *direct and hidden costs to society. The most direct costs are the*
23 *high costs of law enforcement, civil and criminal justice, and health*
24 *services and other community-based services. Less direct and*
25 *visible costs include job turnover, loss of productivity, school*
26 *absenteeism, and low performance in school.*

27 *(g) Domestic violence requires a multifaceted intervention that*
28 *encourage civil, criminal, health, and social service sectors to*
29 *work together to align the objectives, protocols, policies, and*
30 *activities of each sector. Alameda County has determined that to*
31 *achieve the alignment requires governmental oversight and*
32 *coordination of multiple agencies involved in the domestic violence*
33 *matters, which is an essential link in the comprehensive effort to*
34 *eliminate domestic violence.*

35 *(h) Since 2005, the Alameda County Family Justice Center*
36 *(ACFJC), which is funded in part by vital records fees, has*
37 *achieved the alignment described in subdivision (g) more than 65*
38 *domestic violence providers, many of whom provide services at*
39 *one common location. The services provided by the ACFJC include*
40 *legal assistance, counseling and medical services, and crisis*

1 *intervention. The ACFJC has been an essential link for more than*
2 *20,000 domestic violence victims and has quickly connected the*
3 *victims to services when they need it most. Alameda County victims*
4 *are now increasingly seeking help from law enforcement and*
5 *shelters before domestic violence escalates to death. Between 2002*
6 *and 2007, Alameda County has seen a 70 percent decrease in*
7 *domestic violence homicides.*

8 *(i) Since the ACFJC's opening, victims are feeling more*
9 *emboldened to work with prosecutors. The Alameda County*
10 *District Attorney's office reports 20 percent more victims are*
11 *willing or able to pursue charges against aggressors and 24*
12 *percent fewer domestic violence cases are dismissed, which gives*
13 *victims a renewed faith and confidence that the justice system*
14 *works. The number of domestic violence cases being charged as*
15 *felonies in Alameda County has nearly doubled from 13 percent*
16 *to 23 percent, illustrating an increase in the quality and depth of*
17 *law enforcement investigations enabled by the coordination.*

18 **SECTION 1.**

19 **SEC. 2.** Section 26840.10 of the Government Code is amended
20 to read:

21 26840.10. (a) The Alameda County Board of Supervisors,
22 upon making findings and declarations on the need for
23 governmental oversight and coordination of the multiple agencies
24 dealing with domestic violence, may authorize an increase in the
25 fees for marriage licenses and confidential marriage licenses, up
26 to a maximum increase of two dollars (\$2).

27 (b) Effective July 1 of each year, the Alameda County Board
28 of Supervisors may authorize an increase in these fees by an
29 amount equal to the increase in the Consumer Price Index for the
30 San Francisco metropolitan area for the preceding calendar year,
31 rounded to the nearest half-dollar (\$0.50). The fees shall be
32 allocated pursuant to Section 18309 of the Welfare and Institutions
33 Code.

34 (c) In addition to the fee prescribed by Section 26840.1, in
35 Alameda County, the person issuing authorization for the
36 performance of a marriage or confidential marriage, or the county
37 clerk upon providing a blank authorization form pursuant to Part
38 4 (commencing with Section 500) of Division 3 of the Family
39 Code, shall collect the fees specified in subdivisions (a) and (b),
40 at the time of providing the authorization.

1 (d) The Alameda County Board of Supervisors shall submit to
2 the Assembly and Senate Committees on Judiciary a preliminary
3 report no later than July 1, 2009, and a final report no later than
4 July 1, 2014. Both reports shall contain the following information:

5 (1) The annual amounts of funds received and expended from
6 fee increases for the purpose of governmental oversight and
7 coordination of domestic violence prevention, intervention, and
8 prosecution efforts in the county.

9 (2) Outcomes achieved as a result of the activities associated
10 with the implementation of this section.

11 ~~SEC. 2.~~

12 *SEC. 3.* Section 26840.11 of the Government Code is amended
13 to read:

14 26840.11. (a) The Solano County Board of Supervisors, upon
15 making findings and declarations on the need for governmental
16 oversight and coordination of the multiple agencies dealing with
17 domestic violence, may authorize an increase in the fees for
18 marriage licenses and confidential marriage licenses, up to a
19 maximum increase of two dollars (\$2).

20 (b) Effective July 1 of each year, the Solano County Board of
21 Supervisors may authorize an increase in these fees by an amount
22 equal to the increase in the Consumer Price Index for the San
23 Francisco metropolitan area for the preceding calendar year,
24 rounded to the nearest one-half dollar (\$0.50). The fees shall be
25 allocated pursuant to Section 18309.5 of the Welfare and
26 Institutions Code.

27 (c) In addition to the fee prescribed by Section 26840.1, in
28 Solano County, the person issuing authorization for the
29 performance of a marriage or confidential marriage, or the county
30 clerk upon providing a blank authorization form pursuant to Part
31 4 (commencing with Section 500) of Division 3 of the Family
32 Code, shall collect the fees specified in subdivisions (a) and (b),
33 at the time of providing the authorization.

34 (d) The Solano County Board of Supervisors shall submit to
35 the Assembly and Senate Committees on Judiciary a preliminary
36 report no later than July 1, 2009, and a final report no later than
37 July 1, 2014. Both reports shall contain the following information:

38 (1) The annual amounts of funds received and expended from
39 fee increases for the purpose of governmental oversight and

1 coordination of domestic violence prevention, intervention, and
2 prosecution efforts in the county.

3 (2) Outcomes achieved as a result of the activities associated
4 with the implementation of this section.

5 ~~SEC. 3.~~

6 *SEC. 4.* Section 103627 of the Health and Safety Code is
7 amended to read:

8 103627. (a) (1) The Alameda County Board of Supervisors,
9 upon making findings and declarations supporting the need for
10 governmental oversight and coordination of the multiple agencies
11 dealing with domestic violence, may authorize an increase in the
12 fees for certified copies of marriage certificates, birth certificates,
13 fetal death records, and death records, up to a maximum increase
14 of two dollars (\$2).

15 (2) The City Council of the City of Berkeley, upon making
16 findings and declarations supporting the need for governmental
17 oversight and coordination of the multiple agencies dealing with
18 domestic violence, may authorize an increase in the fees for
19 certified copies of birth certificates, fetal death records, and death
20 records, up to a maximum increase of two dollars (\$2).

21 (b) Effective July 1 of each year, the Alameda County Board
22 of Supervisors and the City Council of the City of Berkeley may
23 authorize an increase in these fees by an amount equal to the
24 increase in the Consumer Price Index for the San Francisco
25 metropolitan area for the preceding calendar year, rounded to the
26 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant
27 to the provisions of Section 18309 of the Welfare and Institutions
28 Code.

29 (c) In addition to the fees prescribed by subdivisions (a) and
30 (b), any applicant for a certified copy of a birth certificate, a fetal
31 death record, or death record in Alameda County or in the City of
32 Berkeley shall pay an additional fee to the local registrar, county
33 recorder, or county clerk, as applicable, as established by the
34 Alameda County Board of Supervisors or the City Council of the
35 City of Berkeley.

36 ~~SEC. 4.~~

37 *SEC. 5.* Section 103628 of the Health and Safety Code is
38 amended to read:

39 103628. (a) The Solano County Board of Supervisors, upon
40 making findings and declarations on the need for governmental

1 oversight and coordination of the multiple agencies dealing with
2 domestic violence, may authorize an increase in the fees for
3 certified copies of marriage certificates, birth certificates, fetal
4 death records, and death records, up to a maximum increase of
5 two dollars (\$2).

6 (b) Effective July 1 of each year, the Solano County Board of
7 Supervisors may authorize an increase in these fees by an amount
8 equal to the increase in the Consumer Price Index for the San
9 Francisco metropolitan area for the preceding calendar year,
10 rounded to the nearest one-half dollar (\$0.50). The fees shall be
11 allocated pursuant to Section 18309.5 of the Welfare and
12 Institutions Code.

13 (c) In addition to the fees prescribed by subdivisions (a) and
14 (b), any applicant for a certified copy of a birth certificate, a fetal
15 death record, or death record in Solano County shall pay an
16 additional fee to the local registrar, county recorder, or county
17 clerk as established by the Solano County Board of Supervisors.

18 ~~SEC. 5.~~

19 *SEC. 6.* Section 18309 of the Welfare and Institutions Code is
20 amended to read:

21 18309. (a) The Alameda County Board of Supervisors shall
22 direct the local registrar, county recorder, and county clerk to
23 deposit fees collected pursuant to Section 26840.10 of the
24 Government Code and Section 103627 of the Health and Safety
25 Code into a special fund. The county may retain up to 4 percent
26 of the fund for administrative costs associated with the collection
27 and segregation of the additional fees and the deposit of these fees
28 into the special fund. Proceeds from the fund shall be used for
29 governmental oversight and coordination of domestic violence
30 and family violence prevention, intervention, and prosecution
31 efforts among the court system, the district attorney's office, the
32 public defender's office, law enforcement, the probation
33 department, mental health, substance abuse, child welfare services,
34 adult protective services, and community-based organizations and
35 other agencies working in Alameda County in order to increase
36 the effectiveness of prevention, early intervention, and prosecution
37 of domestic and family violence.

38 (b) The City Council of the City of Berkeley shall direct the
39 local registrar to deposit fees collected pursuant to Section 103627
40 of the Health and Safety Code into a special fund. The city may

1 retain up to 4 percent of the fund for administrative costs associated
 2 with the collection and segregation of the additional fees and the
 3 deposit of these fees into the special fund. Proceeds from the fund
 4 shall be used for governmental oversight and coordination of
 5 domestic violence and family violence prevention and intervention
 6 efforts, including law enforcement, mental health, public health,
 7 substance abuse, victim advocacy, community education, and
 8 housing, in order to increase the effectiveness of prevention, early
 9 intervention, and prosecution of domestic and family violence.

10 ~~SEC. 6.~~

11 *SEC. 7.* Section 18309.5 of the Welfare and Institutions Code
 12 is amended to read:

13 18309.5. The Solano County Board of Supervisors shall direct
 14 the local registrar, county recorder, and county clerk to deposit
 15 fees collected pursuant to Section 26840.11 of the Government
 16 Code and Section 103628 of the Health and Safety Code into a
 17 special fund.

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