

Assembly Bill No. 73

Passed the Assembly September 3, 2009

Chief Clerk of the Assembly

Passed the Senate September 1, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend, repeal, and add Section 26840.10 of the Government Code, to amend Sections 103627 and 103627.5 of the Health and Safety Code, and to amend Section 18309 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 73, 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, 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 the Alameda County Board 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 City Council of the City of Berkeley 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 the Alameda County Board of Supervisors and the City Council of the City of Berkeley, if they elect to increase fees pursuant to the above-described provisions, to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014. The bill would repeal these provisions on January 1, 2015.

The bill would also make technical, nonsubstantive related changes.

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

SECTION 1. The Legislature finds and declares all of the following:

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

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

(c) According to the National Woman Abuse Prevention Project in Washington, D.C., domestic violence puts children at risk. Children born into families where domestic violence occurs are physically abused or seriously neglected at a rate that is significantly higher than the national average in the general population. Birth certificate fees collected pursuant to this act would help communities with the cost of ensuring that children who are born into families with domestic violence receive the help they need.

(d) Studies show more than 10 percent of women are victims of domestic violence during pregnancy. According to a January 2009 study published in *The Lancet* (a British medical journal), pregnant women who are assaulted by their spouses are 50 percent

more likely to experience fetal loss, often repeatedly, than women who are not abused during pregnancy. Women who are battered during pregnancy are also more likely to die or have children who are born prematurely with low birth weights and intense medical needs. Fetal death certificate fees would help communities with what it costs to ensure that pregnant women with violent spouses receive help, protection, and care for their unborn children and infants.

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

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

(g) Domestic violence requires multifaceted intervention that encourages civil, criminal, health, and social service sectors to work together to align the objectives, protocols, policies, and activities of each sector. Alameda County has determined that achieving the alignment, which requires governmental oversight and coordination of multiple agencies involved in domestic violence matters, is an essential link in the comprehensive effort to eliminate domestic violence.

(h) Since 2005, the Alameda County Family Justice Center (ACFJC), which is funded in part by vital records fees, has achieved the alignment described in subdivision (g) with more than 65 domestic violence providers, many of which provide services at one common location. The services provided by the ACFJC include legal assistance, counseling and medical services, and crisis intervention. The ACFJC has been an essential link for more than 20,000 domestic violence victims and has quickly connected the victims to services when they need it most. Alameda County victims are now increasingly seeking help from law enforcement and shelters before domestic violence escalates to death. Between 2002 and 2007, Alameda County has seen a 70-percent decrease in domestic violence homicides.

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

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

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

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

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

(d) If it elects to increase fees pursuant to this section, the Alameda County Board of Supervisors shall submit to the Assembly and Senate Committees on Judiciary a preliminary report no later than July 1, 2009, and a final report no later than July 1, 2014. Both reports shall contain the following information:

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

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

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

(e) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 3. Section 26840.10 is added to the Government Code, to read:

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

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

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

(d) This section shall become operative on January 1, 2015.

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

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

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

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

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

SEC. 5. Section 103627.5 of the Health and Safety Code is amended to read:

103627.5. (a) If it elects to increase fees pursuant to Section 103627, the City Council of the City of Berkeley shall submit to the Assembly and Senate Committees on Judiciary a preliminary report no later than July 1, 2009, and a final report no later than July 1, 2014. Both reports shall contain the following information:

(1) The annual amount of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the city.

(2) Outcomes achieved as a result of the activities associated with the implementation of Section 103627.

(b) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

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

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

(b) The City Council of the City of Berkeley shall direct the local registrar to deposit fees collected pursuant to Section 103627 of the Health and Safety Code into a special fund. The city may retain up to 4 percent of the fund for administrative costs associated with the collection and segregation of the additional fees and the deposit of these fees into the special fund. Proceeds from the fund shall be used for governmental oversight and coordination of domestic violence and family violence prevention and intervention efforts, including law enforcement, mental health, public health, substance abuse, victim advocacy, community education, and housing, in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.

Approved _____, 2009

Governor