

ASSEMBLY BILL

No. 1852

Introduced by Assembly Member Campos

February 22, 2012

An act to add Section 26840.13 to the Government Code, to add Section 103627.8 to the Health and Safety Code, and to add Section 18309.10 to the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, as introduced, Campos. 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-referenced vital records is issued may be collected by the county clerks for deposit into these funds. Additionally, existing law authorizes certain counties, upon making certain findings and declarations, to authorize an increase in fees for marriage licenses and confidential marriage licenses and for certified copies of certain vital records, as specified. Existing law requires the revenue from the fee increase to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would authorize the Santa Clara County Board of Supervisors and the City Council of San Jose, upon making findings and declarations regarding the need for governmental oversight and coordination of the

multiple agencies dealing with domestic violence, to authorize an increase in the fees for marriage licenses and certified copies of certain vital records up to a maximum of \$5 per license or record and to annually adjust that amount for inflation, as specified. This bill would require the fees to be allocated by the county for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would make legislative findings and declarations as to the necessity of a special statute for Santa Clara County and the City of San Jose.

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) Domestic violence is costly, both in human and
4 organizational terms. The results of domestic violence have many
5 “hidden” costs, such as job turnover, loss of productivity, school
6 absenteeism, and low-school performance, in addition to the high
7 cost of law enforcement, civil and criminal justice, health services,
8 mental health services, substance abuse treatment, human services,
9 and community-based services.

10 (b) Domestic violence affects people of all economic and
11 education levels, age groups, ethnic groups, and other social and
12 community characteristics. Domestic violence is characterized by
13 a predictable, escalating cycle that can result in the injury or death
14 of victims, including children.

15 (c) Domestic violence puts children at risk. According to the
16 National Woman Abuse Prevention Project in Washington, D.C.,
17 children in homes where domestic violence occurs are physically
18 abused or seriously neglected at a rate significantly higher than
19 the national average in the general population.

20 (d) Child abuse and neglect have lifelong impacts on affected
21 children and society. Child abuse and neglect hinder brain
22 development in, and cause behavioral and emotional challenges
23 for, affected children. Studies have also shown that individuals
24 with adverse childhood experiences may demonstrate higher rates
25 of health problems such as obesity, alcoholism, depression, cancer,
26 and heart disease as adults.

1 (e) Domestic violence is learned and generational. Studies show
2 that boys who witness family violence are more likely to batter
3 their female partners as adults than boys raised in nonviolent
4 homes. Girls who witness their mothers' abuse have higher rates
5 of being battered as adults.

6 (f) Family violence encompasses all types of violent crime
7 committed by an offender who is related to the victim either
8 biologically or legally through marriage or adoption.

9 (g) Domestic violence, child abuse and neglect, and family
10 violence require a multifaceted intervention that engages civil,
11 criminal, health, and social service sectors working together to
12 align objectives, protocols, policies, and activities of each sector.

13 (h) Santa Clara County determined that achievement of this
14 alignment requires governmental oversight and coordination of
15 the multiple agencies involved in the domestic violence system.
16 This oversight and coordination is an essential link in a
17 comprehensive effort to eliminate domestic violence.

18 (i) Santa Clara County has further determined that the fees
19 authorized by Section 26840.7 of the Government Code are not
20 sufficient and do not allow for governmental oversight and
21 coordination, as these funds are to be used only for domestic
22 violence centers offering direct services, and are currently fully
23 utilized for that purpose.

24 (j) Santa Clara County has further determined that the fees
25 authorized by this act shall not exceed the cost of governmental
26 oversight and coordination of the domestic violence system.

27 SEC. 2. Section 26840.13 is added to the Government Code,
28 to read:

29 26840.13. (a) The Santa Clara County Board of Supervisors,
30 upon making findings and declarations on the need for
31 governmental oversight and coordination of the multiple agencies
32 dealing with domestic violence, may authorize an increase in the
33 fees for marriage licenses and confidential marriage licenses, up
34 to a maximum increase of five dollars (\$5).

35 (b) Effective July 1 of each year, the Santa Clara County Board
36 of Supervisors may authorize an increase in these fees by an
37 amount equal to the increase in the Consumer Price Index for the
38 San Francisco metropolitan area for the preceding calendar year,
39 rounded to the nearest one-half dollar (\$0.50). The fees shall be

1 allocated pursuant to Section 18309.10 of the Welfare and
2 Institutions Code.

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

10 SEC. 3. Section 103627.8 is added to the Health and Safety
11 Code, to read:

12 103627.8. (a) (1) The Santa Clara County Board of
13 Supervisors, upon making findings and declarations supporting
14 the need for governmental oversight and coordination of the
15 multiple agencies dealing with domestic violence, may authorize
16 an increase in the fees for certified copies of marriage certificates,
17 birth certificates, fetal death records, and death records, up to a
18 maximum increase of five dollars (\$5).

19 (2) The City Council of the City of San Jose, upon making
20 findings and declarations supporting the need for governmental
21 oversight and coordination of the multiple agencies dealing with
22 domestic violence, may authorize an increase in the fees for
23 certified copies of birth certificates, fetal death records, and death
24 records, up to a maximum increase of five dollars (\$5).

25 (b) Effective July 1 of each year, the Santa Clara County Board
26 of Supervisors and the City Council of the City of San Jose may
27 authorize an increase in these fees by an amount equal to the
28 increase in the Consumer Price Index for the San Francisco
29 metropolitan area for the preceding calendar year, rounded to the
30 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant
31 to the provisions of Section 18309.10 of the Welfare and
32 Institutions Code.

33 (c) In addition to any other fees prescribed by law, any applicant
34 for a certified copy of a birth certificate, fetal death record, or death
35 record in Santa Clara County or in the City of San Jose shall pay
36 the fees specified in subdivisions (a) and (b) to the local registrar,
37 county recorder, or county clerk, as applicable, as established by
38 the Santa Clara County Board of Supervisors or the City Council
39 of the City of San Jose.

1 SEC. 4. Section 18309.10 is added to the Welfare and
2 Institutions Code, to read:

3 18309.10. (a) The Santa Clara County Board of Supervisors
4 shall direct the local registrar, county recorder, and county clerk
5 to deposit fees collected pursuant to Section 26840.13 of the
6 Government Code and Section 103627.8 of the Health and Safety
7 Code into a special fund. The county may retain up to 4 percent
8 of the fund for administrative costs associated with the collection
9 and segregation of the additional fees and the deposit of these fees
10 into the special fund. Proceeds from the fund shall be used for
11 governmental oversight and coordination of domestic violence
12 and family violence prevention, intervention, and prosecution
13 efforts among the court system, the district attorney's office, the
14 public defender's office, law enforcement, the probation
15 department, mental health, substance abuse, and child welfare
16 services, adult protective services, and community-based
17 organizations and other agencies working in Santa Clara County
18 in order to increase the effectiveness of prevention, early
19 intervention, and prosecution of domestic and family violence.

20 (b) The City Council of the City of San Jose shall direct the
21 local registrar to deposit fees collected pursuant to Section
22 103627.8 of the Health and Safety Code into a special fund. The
23 city may retain up to 4 percent of the fund for administrative costs
24 associated with the collection and segregation of the additional
25 fees and the deposit of these fees into the special fund. Proceeds
26 from the fund shall be used for governmental oversight and
27 coordination of domestic violence and family violence prevention
28 and intervention efforts, including law enforcement, mental health,
29 public health, substance abuse, victim advocacy, community
30 education, and housing services, in order to increase the
31 effectiveness of prevention, early intervention, and prosecution of
32 domestic and family violence.

33 SEC. 5. The Legislature finds and declares that a special law
34 is necessary and that a general law cannot be made applicable
35 within the meaning of Section 16 of Article IV of the California
36 Constitution because of the unique circumstances in Santa Clara
37 County and the City of San Jose with respect to domestic violence.

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