

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1852

Introduced by Assembly Member Campos
*(Coauthors: Assembly Members Alejo, Allen, Blumenfield, Mitchell,
Williams, and Yamada)*
(Coauthor: Senator Evans)

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 amended, 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~~ *a county board of supervisors and certain city councils*, 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 *or city* 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~~ *including* job turnover, loss of productivity,
- 6 school absenteeism, and low school performance, in addition to
- 7 the high cost of law enforcement, civil and criminal justice, health
- 8 services, mental health services, substance abuse treatment, human
- 9 services, 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.

1 (d) Child abuse and neglect have lifelong impacts on affected
2 children and society. Child abuse and neglect hinder brain
3 development in, and cause behavioral and emotional challenges
4 for, affected children. Studies have also shown that individuals
5 with adverse childhood experiences may demonstrate higher rates
6 of health ~~problems such as~~ *problems, including* obesity, alcoholism,
7 depression, cancer, and heart ~~disease~~ *disease*, as adults.

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

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

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

20 ~~(h) Santa Clara County determined that achievement of this~~
21 ~~alignment requires governmental oversight and coordination of~~
22 ~~the multiple agencies involved in the domestic violence system.~~
23 ~~This oversight and coordination is an essential link in a~~
24 ~~comprehensive effort to eliminate domestic violence.~~

25 ~~(i) Santa Clara County has further determined that the fees~~
26 ~~authorized by Section 26840.7 of the Government Code are not~~
27 ~~sufficient and do not allow for governmental oversight and~~
28 ~~coordination, as these funds are to be used only for domestic~~
29 ~~violence centers offering direct services, and are currently fully~~
30 ~~utilized for that purpose.~~

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

34 SEC. 2. Section 26840.13 is added to the Government Code,
35 to read:

36 26840.13. (a) ~~The Santa Clara County Board of Supervisors,~~
37 *A county board of supervisors*, upon making findings and
38 declarations on the need for governmental oversight and
39 coordination of the multiple agencies dealing with domestic
40 violence, may authorize an increase in the fees for marriage licenses

1 and confidential marriage licenses, up to a maximum increase of
 2 five dollars (\$5).

3 (b) Effective July 1 of each year, ~~the Santa Clara County Board~~
 4 ~~of Supervisors~~ *a county board of supervisors* may authorize an
 5 increase in these fees by an amount equal to the increase in the
 6 Consumer Price Index for the San Francisco metropolitan area for
 7 the preceding calendar year, rounded to the nearest one-half dollar
 8 (\$0.50). The fees shall be allocated pursuant to Section 18309.10
 9 of the Welfare and Institutions Code.

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

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

19 103627.8. (a) (1) ~~The Santa Clara County Board of~~
 20 ~~Supervisors~~, *A county board of supervisors*, upon making findings
 21 and declarations supporting the need for governmental oversight
 22 and coordination of the multiple agencies dealing with domestic
 23 violence, may authorize an increase in the fees for certified copies
 24 of marriage certificates, birth certificates, fetal death records, and
 25 death records, up to a maximum increase of five dollars (\$5).

26 (2) ~~The City Council of the City of San Jose~~, *A city council of*
 27 *a city with a local registrar*, upon making findings and declarations
 28 supporting the need for governmental oversight and coordination
 29 of the multiple agencies dealing with domestic violence, may
 30 authorize an increase in the fees for certified copies of birth
 31 certificates, fetal death records, and death records, up to a
 32 maximum increase of five dollars (\$5).

33 (b) Effective July 1 of each year, ~~the Santa Clara County Board~~
 34 ~~of Supervisors and the City Council of the City of San Jose~~ *a*
 35 *county board of supervisors and a city council of a city with a*
 36 *local registrar* 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 half-dollar (\$0.50). The fees shall be

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

3 (c) In addition to any other fees prescribed by law, ~~any an~~
4 applicant for a certified copy of a birth certificate, fetal death
5 record, or death record in ~~Santa Clara County or in the City of San~~
6 ~~Jose a county or city~~ shall pay the fees specified in subdivisions
7 (a) and (b) to the local registrar, county recorder, or county clerk,
8 as applicable, as established by the ~~Santa Clara County Board of~~
9 ~~Supervisors or the City Council of the City of San Jose~~ *county*
10 *board of supervisors or the city council of a city with a local*
11 *registrar.*

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

14 18309.10. (a) ~~The Santa Clara County Board of Supervisors~~
15 *A county board of supervisors* shall direct the local registrar, county
16 recorder, and county clerk to deposit fees collected pursuant to
17 Section 26840.13 of the Government Code and Section 103627.8
18 of the Health and Safety Code into a special fund. The county may
19 retain up to 4 percent of the fund for administrative costs associated
20 with the collection and segregation of the additional fees and the
21 deposit of these fees into the special fund. Proceeds from the fund
22 shall be used for governmental oversight and coordination of
23 domestic violence and family violence prevention, intervention,
24 and prosecution efforts among the court system, the district
25 attorney's office, the public defender's office, law enforcement,
26 the probation department, mental health, substance abuse, and
27 child welfare services, adult protective services, and
28 community-based organizations and other agencies working in
29 Santa Clara County in order to increase the effectiveness of
30 prevention, early intervention, and prosecution of domestic and
31 family violence.

32 (b) ~~The City Council of the City of San Jose~~ *A city council of*
33 *a city with a local registrar* shall direct the local registrar to deposit
34 fees collected pursuant to Section 103627.8 of the Health and
35 Safety Code into a special fund. The city may retain up to 4 percent
36 of the fund for administrative costs associated with the collection
37 and segregation of the additional fees and the deposit of these fees
38 into the special fund. Proceeds from the fund shall be used for
39 governmental oversight and coordination of domestic violence
40 and family violence prevention and intervention efforts, including

1 law enforcement, mental health, public health, substance abuse,
2 victim advocacy, community education, and housing services, in
3 order to increase the effectiveness of prevention, early intervention,
4 and prosecution of domestic and family violence.

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

10 *SEC. 5. This act shall not be construed to affect any other law*
11 *that authorizes a county or city to increase fees for marriage*
12 *licenses and confidential marriage licenses and certified copies*
13 *of marriage certificates, birth certificates, fetal death records, and*
14 *death records.*