

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

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, Ammiano,
Blumenfield, Hill, Ma, Mitchell, Williams, and Yamada)
(Coauthor: Senator Evans)

February 22, 2012

An act 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 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 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 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 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 *and child abuse*, to authorize an increase in the fees for 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, *as specified*, by the county or city for purposes relating to ~~domestic violence prevention, intervention, and prosecution~~ *the prevention and intervention of domestic violence and child abuse*.

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, including 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

1 with adverse childhood experiences may demonstrate higher rates
2 of health problems, including obesity, alcoholism, depression,
3 cancer, and heart disease, as adults.

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

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

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

16 SEC. 2. Section 103627.8 is added to the Health and Safety
17 Code, to read:

18 103627.8. (a) (1) A county board of supervisors, upon making
19 findings and declarations supporting the need for governmental
20 oversight and coordination of the multiple agencies dealing with
21 domestic violence *and child abuse*, may authorize an increase in
22 the fees for certified copies of marriage certificates, birth
23 certificates, fetal death records, and death records, up to a
24 maximum increase of five dollars (\$5).

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

31 (b) Effective July 1 of each year, a county board of supervisors
32 and a city council of a city with a local registrar may authorize an
33 increase in these fees by an amount equal to the increase in the
34 Consumer Price Index for the San Francisco metropolitan area for
35 the preceding calendar year, rounded to the nearest half-dollar
36 (\$0.50). The fees shall be disposed of pursuant to the provisions
37 of Section 18309.10 of the Welfare and Institutions Code.

38 (c) In addition to any other fees prescribed by law, an applicant
39 for a certified copy of a birth certificate, fetal death record, or death
40 record in a county or city shall pay the fees specified in

1 subdivisions (a) and (b) to the local registrar, county recorder, or
2 county clerk, as applicable, as established by the county board of
3 supervisors or the city council of a city with a local registrar.

4 SEC. 3. Section 18309.10 is added to the Welfare and
5 Institutions Code, to read:

6 18309.10. (a) (1) A county board of supervisors shall direct
7 the local registrar, county recorder, and county clerk to deposit
8 fees collected pursuant to Section 103627.8 of the Health and
9 Safety Code into a special fund. ~~The~~

10 (2) *The* county may retain up to 4 percent of the fund for
11 administrative costs associated with the collection and segregation
12 of the additional fees and the deposit of these fees into the special
13 fund. ~~Proceeds~~

14 (3) ~~Proceeds from the fund fee increase collected pursuant to~~
15 ~~Section 103627.8 of the Health and Safety Code shall be used for~~
16 ~~governmental oversight and coordination of domestic violence~~
17 ~~and family violence prevention, intervention, and prosecution~~
18 ~~efforts among the court system, the district attorney's office, the~~
19 ~~public defender's office, law enforcement, the probation~~
20 ~~department, mental health, substance abuse, and child welfare~~
21 ~~services, adult protective services, and community-based~~
22 ~~organizations and other agencies working in the county in order~~
23 ~~to increase the effectiveness of prevention, early intervention, and~~
24 ~~prosecution of domestic and family violence. as follows:~~

25 (A) (i) *Sixty percent of the proceeds from the fee increase from*
26 *marriage certificates, fetal death records, and death records shall*
27 *go to nonprofit, community-based organizations that serve domestic*
28 *violence victims and their families, including, but not limited to,*
29 *organizations that serve underserved communities, including the*
30 *lesbian, gay, bisexual, and transgender community, ethnic and*
31 *racial communities, the disabled community, teens, and the elderly.*

32 (ii) *Forty percent of the proceeds from the fee increase from*
33 *marriage certificates, fetal death records, and death records shall*
34 *be used for governmental oversight and coordination of domestic*
35 *violence and family violence prevention and intervention efforts,*
36 *including law enforcement, mental health, public health, substance*
37 *abuse, victim advocacy, community education, and housing*
38 *services, in order to increase the effectiveness of prevention and*
39 *early intervention of domestic and family violence.*

1 (B) All proceeds from the fee increase from birth certificates
2 shall go to community-based organizations and other agencies in
3 the county for the purpose of increasing the effectiveness and
4 prevention and early intervention of child abuse and neglect.

5 (b) (1) A city council of a city with a local registrar shall direct
6 the local registrar to deposit fees collected pursuant to Section
7 103627.8 of the Health and Safety Code into a special fund. ~~The~~

8 (2) ~~The city may retain up to 4 percent of the fund for~~
9 ~~administrative costs associated with the collection and segregation~~
10 ~~of the additional fees and the deposit of these fees into the special~~
11 ~~fund. Proceeds from the fund shall be used for governmental~~
12 ~~oversight and coordination of domestic violence and family~~
13 ~~violence prevention and intervention efforts, including law~~
14 ~~enforcement, mental health, public health, substance abuse, victim~~
15 ~~advocacy, community education, and housing services, in order~~
16 ~~to increase the effectiveness of prevention, early intervention, and~~
17 ~~prosecution of domestic and family violence.~~

18 (3) *Proceeds from the fee increase collected pursuant to Section*
19 *103627.8 of the Health and Safety Code shall be used as follows:*

20 (A) (i) *Sixty percent of the proceeds from the fee increase from*
21 *marriage certificates, fetal death records, and death records shall*
22 *go to nonprofit, community-based organizations that serve domestic*
23 *violence victims and their families, including, but not limited to,*
24 *organizations that serve underserved communities, including the*
25 *lesbian, gay, bisexual, and transgender community, ethnic and*
26 *racial communities, the disabled community, teens, and the elderly.*

27 (ii) *Forty percent of the proceeds from the fee increase from*
28 *marriage certificates, fetal death records, and death records shall*
29 *be used for governmental oversight and coordination of domestic*
30 *violence and family violence prevention and intervention efforts,*
31 *including law enforcement, mental health, public health, substance*
32 *abuse, victim advocacy, community education, and housing*
33 *services, in order to increase the effectiveness of prevention and*
34 *early intervention of domestic and family violence.*

35 (B) All proceeds from the fee increase from birth certificates
36 shall go to community-based organizations and other agencies in
37 the county for the purpose of increasing the effectiveness of
38 prevention and early intervention of child abuse and neglect.

39 SEC. 4. This act shall not be construed to affect any other law
40 that authorizes a county or city to increase fees for certified copies

- 1 of marriage certificates, birth certificates, fetal death records, and
- 2 death records.

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