

AMENDED IN SENATE AUGUST 21, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 934

Introduced by Assembly Member Cooley

February 22, 2013

An act to amend Section 50050 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 934, as amended, Cooley. Local agencies: unclaimed money.

Existing law requires local agencies, as defined, to retain money, that remains unclaimed and that is not the property of the local agency in its treasury or in the official custody of its officers, for a period of 3 years, after which time, if the money, *excluding victim restitution money*, has not been claimed, it reverts to the local agency, as specified. Existing law ~~also~~ requires moneys constituting restitution for victims to be ~~place~~ *placed* into a Restitution Fund or used for victim services after the 3-year period.

This bill would ~~additionally~~ require a local agency to document that it has made a reasonable effort to locate *and notify* the victim to whom the restitution is owed ~~prior to depositing funds into the Restitution Fund or using those if, at the expiration of the 3-year period, the local agency elects to use restitution funds for victim services. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 50050 of the Government Code is
2 amended to read:
3 50050. For purposes of this article, "local agency" includes all
4 districts. Except as otherwise provided by law, money, excluding
5 restitution to victims, that is not the property of a local agency that
6 remains unclaimed in its treasury or in the official custody of its
7 officers for three years is the property of the local agency after
8 notice if not claimed or if no verified complaint is filed and served.
9 At any time after the expiration of the three-year period, the
10 treasurer of the local agency may cause a notice to be published
11 once a week for two successive weeks in a newspaper of general
12 circulation published in the local agency. ~~Money~~ *At the expiration*
13 *of the three-year period, money* representing restitution collected
14 on behalf of victims shall ~~either~~ be deposited into the Restitution
15 Fund or used by the local agency for purposes of victim ~~services~~
16 ~~after the expiration of the three-year period. Before restitution~~
17 ~~moneys are deposited into the Restitution Fund or used by the~~
18 ~~services. If a local agency elects to use the money for purposes of~~
19 victim services, the local agency shall *first* document that it has
20 made a reasonable effort to locate *and notify* the victim to whom
21 the restitution is owed. ~~However, with~~ *The local agency may utilize*
22 *fees collected pursuant to subdivision (l) of Section 1203.1 or*
23 *subdivision (f) of Section 2085.5 of the Penal Code to offset the*
24 *reasonable cost of locating and notifying the victim to whom*
25 *restitution is owed. With* respect to moneys deposited with the
26 county treasurer pursuant to Section 7663 of the Probate Code,
27 this three-year period to claim money held by a local agency is

1 extended for an infant or person of unsound mind until one year
2 from the date his or her disability ceases.

3 For purposes of this section, “infant” and “person of unsound
4 mind” have the same meaning as given to those terms as used in
5 Section 1441 of the Code of Civil Procedure.

6 ~~SEC. 2.— If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.~~

O