

ASSEMBLY BILL

No. 1127

Introduced by Assembly Member Cooley

February 27, 2015

An act to add and repeal Section 26840.12 of the Government Code, to add and repeal Section 103628.7 of the Health and Safety Code, and to add and repeal Section 18309.1 of the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as introduced, Cooley. Domestic and family violence: Sacramento County.

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.

This bill would, until January 1, 2021, authorize the Sacramento County Board of Supervisors, 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, up to \$4. This bill would further authorize the Sacramento County Board of Supervisors to make further increases in fees each year, as specified. This bill would require the fees to be allocated for purposes relating to domestic and family violence prevention, intervention, and prosecution. This bill would require the Sacramento

County Board of Supervisors, by July 1, 2017, to submit a report on funds received and expended in connection with the fee increases, and the outcome of activities associated with the act, to the Assembly Committee on Judiciary and the Senate Committee on Judiciary.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Sacramento.

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) Since 2005, over 150 individuals have died in homicides
4 related to domestic violence. This number includes children, one
5 as young as two years old.
- 6 (b) In 2013 alone, a total of 18,000 domestic violence-related
7 calls were reported by law enforcement entities within Sacramento
8 County, with over 4,000 adult cases arrested and over 2,400 cases
9 filed and prosecuted.
- 10 (c) More than 21,000 crisis calls are made to the three domestic
11 violence shelter programs in Sacramento County every year.
- 12 (d) Sacramento has a high rate of human trafficking, in 2013,
13 the FBI Human trafficking task force, in a multiday sweep
14 involving Sacramento, rescued the sixth highest total of underage
15 trafficking victims in the country.
- 16 (e) Domestic violence is ubiquitous, it cuts across all economic
17 and education levels, all age groups, ethnicities, and other social
18 and community characteristics.
- 19 (f) Domestic violence is insidious, it is characterized by a
20 predictable, repetitious cycle that can result in injury or death of
21 victims, including children.
- 22 (g) Domestic violence puts children at risk. Children in homes
23 that domestic violence occurs are physically abused or seriously
24 neglected at a rate significantly higher than the national average
25 in the general population.
- 26 (h) Domestic violence is learned and generational. Studies show
27 that boys who witness family violence are more likely to batter
28 their female partners as adults than boys raised in nonviolent
29 homes. Girls who witness their mothers' abuse have higher rates

1 of being battered as adults and it is often a precursor to becoming
2 a victim of human trafficking. Over 80 percent of victims of human
3 trafficking either suffered abuse in their homes or witnessed such
4 abuse between parents.

5 (i) Substance abuse is a significant factor contributing to,
6 although not necessarily a cause of, domestic violence. Many
7 domestic violence offenders have documented histories of
8 substance abuse or were under the influence of drugs or alcohol
9 at the time a felony crime was committed. Over 80 percent of
10 human trafficking victims had parents that abused substances.

11 (j) Domestic violence is costly, both in human and organizational
12 terms. The results of domestic violence have many hidden costs,
13 such as job turnover, loss of productivity, school absenteeism, low
14 school performance, in addition to the high cost of law
15 enforcement, civil and criminal justice, health services, mental
16 health services, substance abuse treatment, human services, and
17 community-based services.

18 (k) The domestic violence prevention, intervention, and
19 prosecution system is complex and multifaceted, spanning civil,
20 criminal, health, and social service sectors, and in order to be
21 effective, there must be an alignment in the objectives, protocols,
22 policies, and activities of each sector.

23 SEC. 2. This act shall be known and may be cited as the
24 Sacramento County Zero Tolerance for Family Violence and
25 Human Trafficking Act.

26 SEC. 3. Section 26840.12 is added to the Government Code,
27 to read:

28 26840.12. (a) The Sacramento County Board of Supervisors,
29 upon making findings and declarations for the need for
30 governmental oversight and coordination of the multiple agencies
31 dealing with domestic violence, may authorize an increase in the
32 fees for marriage licenses and confidential marriage licences, up
33 to a maximum increase of four dollars (\$4).

34 (b) Effective July 1 of each year, the Sacramento County Board
35 of Supervisors may authorize an increase in these fees by an
36 amount equal to the increase of the California Consumer Price
37 Index for the preceding calendar year, rounded to the nearest
38 one-half dollar (\$0.50). These fees shall be allocated pursuant to
39 Section 18309.7 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Sacramento 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 in subdivision (a), at the time of providing the authorization.

(d) The Sacramento County Board of Supervisors shall submit to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, no later than July 1, 2017, a report containing 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 Zero Tolerance for Family Violence and Human Trafficking Act.

(e) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 4. Section 103628.7 is added to the Health and Safety Code, to read:

103628.7. (a) The Sacramento 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 certified copies of marriage certificates, 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 Sacramento County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the California Consumer Price Index for the preceding calendar year, rounded to the nearest one-half dollar (\$0.50). The fees shall be allocated pursuant to Section 18309.1 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 Sacramento County shall pay an additional fee to the local registrar, county recorder, or county

1 clerk as established by the Sacramento County Board of
2 Supervisors.

3 (d) This section shall remain in effect only until January 1, 2021,
4 and as of that date is repealed, unless a later enacted statute that
5 is enacted before January 1, 2021, deletes or extends that date.

6 SEC. 5. Section 18309.1 is added to the Welfare and
7 Institutions Code, to read:

8 18309.1. (a) The Sacramento County Board of Supervisors
9 shall direct the local registrar, county recorder, and county clerk
10 to deposit fees collected pursuant to Section 26840.12 of the
11 Government Code and Section 103628.7 of the Health and Safety
12 Code into a special fund. The county may retain up to 4 percent
13 of the fund for administrative costs associated with the collection
14 and segregation of the additional fees and the deposit of these fees
15 into the special fund. Proceeds from the fund 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, child welfare services,
21 adult protective services, and community-based organizations and
22 other agencies working in Sacramento County in order to increase
23 the effectiveness of prevention, early intervention, and prosecution
24 of domestic and family violence.

25 (b) This section shall remain in effect only until January 1, 2021,
26 and as of that date is repealed, unless a later enacted statute that
27 is enacted before January 1, 2021, deletes or extends that date.

28 SEC. 6. The Legislature finds and declares that a special law
29 is necessary and that a general law cannot be made applicable
30 within the meaning of Section 16 of Article IV of the California
31 Constitution because of the unique circumstances of the County
32 of Sacramento with respect to domestic violence and human
33 trafficking.