
Introduced by Senator Hughes

February 21, 1995

An act to add Section 27388 to the Government Code, relating to recordation fees, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as introduced, Hughes. Recordation fees.

Existing law requires the county recorder, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required by law to be recorded.

This bill would provide that in addition to other recording fees, upon the adoption of a resolution by the county board of supervisors, a fee of \$1 shall be paid at the time of recording of every instrument, paper, or notice, as specified. The bill would require the fees collected to be paid to the Controller, and would specify that the fees are continuously appropriated to district attorneys and local law enforcement agencies for the purpose of determining, investigating, and prosecuting real estate fraud crimes.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 27388 is added to the
2 Government Code, to read:

1 27388. (a) In addition to any other recording fees
2 specified in this code, upon the adoption of a resolution
3 by the county board of supervisors, a fee of one dollar (\$1)
4 shall be paid at the time of recording of every instrument,
5 paper, or notice required or permitted by law to be
6 recorded within that county, except those expressly
7 exempted from payment of recording fees. The fees, after
8 deduction of any incidental administrative costs incurred
9 by the county in carrying out this section, shall be paid
10 quarterly to the Controller.

11 (b) Notwithstanding Section 13340 of the
12 Government Code, the money paid to the Controller is
13 continuously appropriated, without regard to fiscal years,
14 for the administrative costs of the Controller, and for
15 disbursement by the Controller to each county which has
16 adopted a resolution pursuant to subdivision (a), based
17 upon the number of documents recorded for an address
18 within that county.

19 (c) Money allocated to a county shall be expended to
20 fund programs to enhance the capacity of local police and
21 prosecutors to deter, investigate, and prosecute real
22 estate fraud crimes. After incidental expenses, 60 percent
23 of those funds shall be distributed to district attorneys and
24 40 percent of those funds to local law enforcement
25 agencies. The funds distributed shall be expended for the
26 exclusive purpose of deterring, investigating, and
27 prosecuting real estate fraud crimes.

28 (d) Any funds received by a county pursuant to this
29 section that are not expended to deter, investigate, or
30 prosecute real estate crimes within the following fiscal
31 year shall be returned to the Controller, to be disbursed
32 to counties that have adopted resolutions pursuant to this
33 section or to the Department of Real Estate for the
34 exclusive purpose of deterring, investigating, or
35 prosecuting real estate fraud crimes. A district attorney's
36 office or a local law enforcement agency that has
37 undertaken investigations and prosecutions which will
38 continue into a subsequent program year may receive
39 nonexpended funds not exceeding 25 percent to the total
40 annual funding from the previous fiscal year.



1 (e) No money collected pursuant to this section shall
2 be expended to offset a reduction in any other source of
3 funds.

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