

AMENDED IN SENATE MAY 12, 1999

AMENDED IN SENATE APRIL 19, 1999

**SENATE BILL**

**No. 1198**

---

---

**Introduced by Senator Solis**

February 26, 1999

---

---

An act to amend Sections 26840.7 and 26840.8 of, and to add Section 26840.9 to, the Government Code, and to amend ~~Section Sections~~ *Sections 18291 and 18305* of the Welfare and Institutions Code, relating to ~~human services, and making an appropriation therefor.~~ *human services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1198, as amended, Solis. Domestic violence: marriage license fees.

(1) Existing law requires the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the issuance of a confidential marriage license, in the amount of \$23, for funding of domestic violence centers to be disposed of by the county clerk under specified provisions, including a requirement that \$4 be allocated to develop and expand domestic violence centers to target underserved areas and populations to the extent feasible.

This bill would ~~increase the fee required to be collected~~ *continue to require the collection of the \$23 fee but would authorize the collection of a fee* for domestic violence centers *of up to \$33* and would require \$6 of ~~that amount~~ *the fee collected* to be allocated to develop and expand domestic violence centers to target underserved areas and populations

to the extent feasible. ~~This will would increase a state tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each house of the Legislature. By providing for the expenditure of state tax revenue, this bill would make an appropriation.~~ It would specify that the fee shall be disposed of by the county clerk under specified provisions.

This bill would require each county to prepare and submit an annual report regarding the amount of funds it receives from the fees collected pursuant to these provisions to fund domestic violence centers, *the number of shelters funded*, and the services provided with those funds. By increasing the duties of counties with respect to the administration of fees collected to fund domestic violence centers, this bill would impose a state-mandated local program.

(2) Existing law defines “domestic violence” for the purposes of the Domestic Violence Centers Act.

*This bill would revise the definition under that act to mean ‘domestic violence’ as defined in the Domestic Violence Prevention Act.*

(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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

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

1 SECTION 1. Section 26840.7 of the Government  
2 Code is amended to read:



1 26840.7. In addition to the fee prescribed by Section  
2 26840 and as authorized by Section 26840.3, the county  
3 clerk shall collect a fee of *at least twenty-three dollars*  
4 *(\$23) but may collect a fee of up to thirty-three dollars*  
5 *(\$33) at the time of issuance of the license. The fee shall*  
6 *be disposed of by the clerk pursuant to Chapter 5*  
7 *(commencing with Section 18290) of Part 6 of Division 9*  
8 *of the Welfare and Institutions Code. Of this amount, six*  
9 *dollars (\$6) shall be used, to the extent feasible, to*  
10 *develop or expand domestic violence centers to target*  
11 *underserved areas and populations.*

12 SEC. 2. Section 26840.8 of the Government Code is  
13 amended to read:

14 26840.8. In addition to the fee prescribed by Section  
15 26840.1 and as authorized by Section 26840.3, the person  
16 issuing an authorization for the performance of a  
17 marriage pursuant to Part 4 (commencing with Section  
18 500) of Division 3 of the Family Code or the county clerk,  
19 upon providing a blank authorization form pursuant to  
20 Part 4 (commencing with Section 500) of Division 3 of the  
21 Family Code, shall collect a fee of *at least twenty-three*  
22 *dollars (\$23) but may collect a fee of up to thirty-three*  
23 *dollars (\$33) at the time of providing the authorization.*  
24 *The fee shall be disposed of pursuant to Chapter 5*  
25 *(commencing with Section 18290) of Part 6 of Division 9*  
26 *of the Welfare and Institutions Code. Of this amount, six*  
27 *dollars (\$6) shall be used, to the extent feasible, to*  
28 *develop or expand domestic violence centers to target*  
29 *underserved areas and populations.*

30 SEC. 3. Section 26840.9 is added to the Government  
31 Code, to read:

32 26840.9. Each county shall prepare an annual report  
33 regarding the amount of funds received from the fees  
34 collected under Sections 26840.7 and 26840.8 ~~and the~~  
35 ~~services provided with the funds, the number of shelters~~  
36 ~~funded, and the services provided with the funds. If any~~  
37 ~~shelters were funded from the fees collected under~~  
38 ~~Sections 26840.7 and 26840.8 that target underserved~~  
39 ~~areas and populations, the report shall include the~~  
40 ~~number of shelters funded, the amount by which they~~



1 *were funded, and the services provided with the funds.*  
2 The annual report shall be submitted to the State  
3 Department of Health Services on or before February 1  
4 of each year.

5 SEC. 4. *Section 18291 of the Welfare and Institutions*  
6 *Code is amended to read:*

7 18291. ~~Definitions.~~

8 (a) ~~“Domestic violence” means abuse perpetrated by~~  
9 ~~and committed against a family or household member.~~

10 (b) ~~“Family or household member” means spouse,~~  
11 ~~former spouse, or any other adult person who regularly~~  
12 ~~resides in the household and has sexual relations with~~  
13 ~~another family or household member residing in the~~  
14 ~~household, or who within the last six months regularly~~  
15 ~~resided in the household during which time he or she had~~  
16 ~~sexual relations with another family or household~~  
17 ~~member presently residing in the household “domestic~~  
18 ~~violence” as defined in Section 6211 of the Family Code.~~

19 SEC. 5. *Section 18305 of the Welfare and Institutions*  
20 *Code is amended to read:*

21 18305. At the time of issuance of a marriage license  
22 pursuant to Section 26840 of the Government Code,  
23 ~~thirty-three dollars (\$33) of each fee paid an amount~~  
24 ~~equivalent to each fee paid pursuant to Section 26840.7 of~~  
25 ~~the Government Code shall be collected by the county~~  
26 ~~clerk for deposit into the county domestic violence~~  
27 ~~programs special fund. The fees collected in this special~~  
28 ~~fund shall be disbursed to approved programs on a yearly~~  
29 ~~or more frequent basis commencing July 1, 1980.~~

30 The board of supervisors shall direct the county clerk  
31 to deposit ~~thirty-three dollars (\$33) of each fee an~~  
32 ~~amount equivalent to each fee paid pursuant to Section~~  
33 ~~26840.7 of the Government Code into the county~~  
34 ~~domestic violence programs special fund. The county~~  
35 ~~domestic violence programs special fund shall fund~~  
36 ~~programs established pursuant to Section 18304. Six~~  
37 ~~dollars (\$6) of each ~~thirty-three dollars (\$33) fee~~~~  
38 ~~deposited into the county domestic violence programs~~  
39 ~~special fund shall be used, to the extent feasible, to~~  
40 ~~develop or expand domestic violence centers to target~~



1 underserved areas and populations. No more than 8  
2 percent of the funds shall be expended for the  
3 administrative costs associated with the collection and  
4 segregation of the additional marriage license fees,  
5 administration of the county domestic violence programs  
6 special fund, monitoring of the programs, and meeting  
7 the other administrative requirements imposed by this  
8 chapter. Counties which do not participate in the  
9 establishing or funding of domestic violence programs  
10 pursuant to this chapter shall be entitled to retain up to  
11 4 percent of the funds for the administrative costs  
12 associated with the collection and segregation of the  
13 additional marriage license fees and the deposit of these  
14 fees in the county domestic violence programs special  
15 fund.

16 ~~SEC. 5.—~~

17 *SEC. 6.* Notwithstanding Section 17610 of the  
18 Government Code, if the Commission on State Mandates  
19 determines that this act contains costs mandated by the  
20 state, reimbursement to local agencies and school  
21 districts for those costs shall be made pursuant to Part 7  
22 (commencing with Section 17500) of Division 4 of Title  
23 2 of the Government Code. If the statewide cost of the  
24 claim for reimbursement does not exceed one million  
25 dollars (\$1,000,000), reimbursement shall be made from  
26 the State Mandates Claims Fund.

