

ASSEMBLY BILL

No. 1417

Introduced by Assembly Member Melendez

February 27, 2015

An act to amend Section 70633 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1417, as introduced, Melendez. Court fees: services of the clerk.

Existing law prohibits the clerk of the court from charging a fee for services rendered in any criminal action unless otherwise specifically authorized by law, except that the clerk may charge a specified fee for making or certifying to a copy of any filed paper, record, or proceeding in a criminal action. Existing law also prohibits a clerk from charging a fee for service to a municipality or county in the state, to the state government, or to the United States or an officer of the United States acting in his or her official capacity.

This bill would delete the authority of the clerk to charge that fee for making or certifying to a copy of any filed paper, record, or proceeding in a criminal action. The bill would also prohibit a clerk from charging a fee for the performance of an official service rendered in an action to a municipality or county in the state, to the state government, or to the United States or an officer thereof acting in his or her official capacity. The bill would define "official service" to include filing, certifying, or copying a document. The bill would make other nonsubstantive changes.

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

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

1 SECTION 1. Section 70633 of the Government Code is
2 amended to read:

3 70633. (a) ~~No~~A fee shall *not* be charged by the clerk for
4 service rendered to the petitioner in any adoption proceeding except
5 as provided in Section 103730 of the Health and Safety Code, nor
6 shall any fees be charged for any service to the state or for any
7 proceeding brought pursuant to Section 7841 of the Family Code
8 to declare a minor free from parental custody or control. ~~No~~A fee
9 shall *not* be charged by the clerk for services rendered in an action
10 to compel registration of a voter under Section 2142 of the
11 Elections Code or to compel counting of provisional ballots under
12 Section 14310 of the Elections Code.

13 (b) ~~No~~A fee shall *not* be charged by the clerk for services
14 rendered in any criminal action unless otherwise specifically
15 authorized by law, ~~except that the clerk may charge the fee~~
16 ~~specified in Section 70627 for making or certifying to a copy of~~
17 ~~any filed paper, record, or proceeding in a criminal action. If a~~
18 ~~criminal defendant has been granted a fee waiver or the court finds~~
19 ~~that the defendant does not have the ability to pay the fee, the court~~
20 ~~may reduce or waive the fee.~~

21 (c) ~~Except as permitted in subdivision (b), no~~A fee shall *not* be
22 charged by the clerk for *the performance of an official service*
23 *rendered in an action to any a municipality or county in the state,*
24 *to the state government, nor or to the United States of America or*
25 *any of its officers or an officer thereof* acting in his or her official
26 capacity.

27 (d) *For purposes of this section, "official service" includes*
28 *filing, certifying, or copying a document.*