

[Cal Gov Code § 50050](#)

This document is current through Urgency Chapter 314 of the 2014 Regular Session of the 2013-2014 Legislature and Propositions 41 and 42 approved June 2014

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§ 50050. "Local agency"; Escheat of unclaimed money in treasury or in custody of officers; Publication of notice

For purposes of this article, "local agency" includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. If a local agency elects to use the money for purposes of victim services, the local agency shall first document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed. The local agency may utilize fees collected pursuant to subdivision (l) of Section 1203.1 or subdivision (f) of [Section 2085.5 of the Penal Code](#) to offset the reasonable cost of locating and notifying the victim to whom restitution is owed. *With respect to moneys deposited with the county treasurer pursuant to [Section 7663 of the Probate Code](#), this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date his or her disability ceases.*

For purposes of this section, "infant" and "person of unsound mind" have the same meaning as given to those terms as used in [Section 1441 of the Code of Civil Procedure](#).

History

Added Stats 1949 ch 81 § 1. Amended Stats 1969 ch 655 § 1; Stats 1972 ch 246 § 1; Stats 1984 ch 866 § 1; [Stats 1995 ch 105 § 2 \(SB 481\)](#), ch 313 § 3 (AB 817), effective August 3, 1995, ch 876 § 1 (SB 911); [Stats 2013 ch 457 § 1 \(AB 934\)](#), effective January 1, 2014.

Historical Derivation:

Former Pol C § 4087b, as added Stats 1939 ch 141 § 1, amended Stats 1945 ch 1281 § 1.

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Cal Gov Code § 50051

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§ 50051. Contents of notice

The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the local agency on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.

History

Added Stats 1949 ch 81 § 1.

Historical Derivation:

Based on former Pol C § 4087b 3d sent, as added Stats 1939 ch 141 § 1, amended Stats 1945 ch 1281 § 1.

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Cal Gov Code § 50052

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§ 50052. Procedure for party of interest to file claim for unclaimed money; Court action upon rejection of claim

Upon or prior to publication, a party of interest may file a claim with the treasurer which must include the claimant's name, address, amount of claim, the grounds on which the claim is founded, and any other information that may be required by the treasurer. The claim shall be filed before the date the unclaimed money becomes the property of the local agency as provided under Section 50051 and the treasurer shall accept or reject that claim. If the claim is rejected by the treasurer, the party who submitted the claim may file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the treasurer. The copy of the complaint and summons shall be served within 30 days of receiving notice that the claim was rejected. The treasurer shall withhold the release of the portion of unclaimed money for which a court action has been filed as provided in this section until a decision is rendered by the court.

History

Added Stats 1949 ch 81 § 1. Amended Stats 1984 ch 866 § 2.

Historical Derivation:

Former Pol C § 4087, as added Stats 1939 ch 141 § 1, amended Stats 1945 ch 1281 § 1.

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Cal Gov Code § 50052.5

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§ 50052.5. Release of unclaimed money to depositor upon submission of satisfactory proof

- (a) Notwithstanding Section 50052, the treasurer may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the local agency upon submitting proof satisfactory to the treasurer, unless the unclaimed money is deposited pursuant to [*Section 7663 of the Probate Code*](#).
- (b) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to [*Section 7663 of the Probate Code*](#), to any adult blood relative of either the decedent or the decedent's predeceased spouse.
- (c) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to [*Section 7663 of the Probate Code*](#) to the parent who has legal and physical custody of a minor who is a blood relative of either the decedent or the decedent's predeceased spouse without the need to appoint a legal guardian for the minor as follows:
 - (1) If the value of the unclaimed money deposited with the county treasurer is five thousand dollars (\$5,000) or less, the treasurer may release the money according to [*Section 3401 of the Probate Code*](#).
 - (2) If the value of the unclaimed money deposited with the county treasurer is sixty thousand dollars (\$60,000) or less, and the money is not released under paragraph (1), the unclaimed money may be released by the treasurer to the parent who shall, after payment of any costs incurred in making the claim, hold the money in trust, to be used only for the care, maintenance, and education of the minor, and the parent shall be liable therefor to the minor under the fiduciary laws of this state. The money held in trust shall be released to the minor when the minor reaches the age of majority.
- (d) The claim shall be presented to the county treasurer in affidavit form and signed under penalty of perjury. Notwithstanding [*Section 13101 of the Probate Code*](#), the claimant, to be entitled to the entire escheated estate, needs only to establish with documentary proof the existence of a blood relationship to either the decedent or of the predeceased spouse, if any, and the documentary proof, if regular on its face, need not be certified. Notwithstanding [*Section 13101 of the Probate Code*](#), the claimant shall not be required to declare that no other person has an equal or superior claim to the escheated estate.

The county treasurer may rely in good faith on the sworn statements made in the claim and shall have no duty to inquire into the truth or credibility of evidence submitted.

In paying out the escheated estate, the county treasurer shall be held harmless to all. Payment shall act as total acquittance and shall completely discharge the county treasurer from any liability.

If the county treasurer rejects any claim made hereunder, the claimant may take his or her grievance to the Superior Court of the county holding the escheated estate.

Any claim paid hereunder shall be paid without interest.

History

Added Stats 1984 ch 866 § 3. Amended [*Stats 1996 ch 401 § 1 \(SB 1582\)*](#); [*Stats 2000 ch 333 § 1 \(AB 2525\)*](#).

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Cal Gov Code § 50053

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§ 50053. Transfer to general fund

When any such money becomes the property of a local agency and is in a special fund, the legislative body may transfer it to the general fund.

History

Added Stats 1949 ch 81 § 1.

Historical Derivation:

Based on former Pol C § 4087b 1st sent, as added Stats 1939 ch 141 § 1, amended Stats 1945 ch 1281 § 1.

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Cal Gov Code § 50054

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§ 50054. Price charged by city, county, etc., rendering construction services for another state governmental agency

Whenever any city or county or city and county renders construction services or constructs public works for any city, county, city and county or any other governmental agency below the level of the state government, the price charged for such services or construction shall be sufficient to reimburse the governmental body performing such services for the full cost thereof including labor, material, equipment costs or rentals and a reasonable allowance for overhead. In computing overhead, without limitation on other factors properly includable, there shall be allocated to the overhead cost its proportionate share of indirect labor and administrative costs.

History

Added Stats 1971 ch 558 § 1.

Former Sections:

Former Gov C § 50054, relating to annual report of financial transactions (based on Stats 1911 ch 550 § 2 p 1071, as amended by Stats 1937 ch 187 § 1 p 482), was added Stats 1949 ch 81 § 1 and repealed Stats 1949 ch 1521 § 4.

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Cal Gov Code § 50055

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§ 50055. Transfer of items to general fund without notice

Any other provision of this article notwithstanding, any individual items of less than fifteen dollars (\$15), or any amount if the depositor's name is unknown, which remain unclaimed in the treasury or in the official custody of an officer of a local agency for the period of one year or upon an order of the court may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper.

History

Added Stats 1972 ch 246 § 2. Amended Stats 1985 ch 506 § 1; [*Stats 1991 ch 40 § 1 \(AB 657\)*](#); [*Stats 1996 ch 89 § 1 \(AB 896\)*](#), effective July 1, 1996.

Former Sections:

Former Gov C § 50055, relating to form of report of financial transactions, was added Stats 1949 ch 81 § 1 and repealed Stats 1949 ch 1521 § 4.

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§ 50056. Delegation of treasurer's responsibilities

The responsibilities of the treasurer as provided under this article may be delegated by the treasurer to the agency, district, or department that maintains the supporting records of the unclaimed money based on the initial receipt or deposit of that money or both.

History

Added Stats 1984 ch 866 § 4.

Former Sections:

Former Gov C § 50056, relating to copies of reports, was added Stats 1949 ch 81 § 1 and repealed Stats 1949 ch 1521 § 4. Historical derivation: Stats 1911 ch 550 § 2, as amended Stats 1937 ch 187 § 1. §§ 50057-50059 were based on Stats 1911 ch 550 § 3, as amended Stats 1915 ch 406 § 1, Stats 1937 ch 187 § 2.

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§ 50057. Performance by county treasurer of certain specified acts; Resolution

For individual items in the amount of five thousand dollars (\$5,000) or less, the legislative body of any county may, by resolution, authorize the county treasurer to perform on its behalf any act required or authorized to be performed by it under Sections 50050, 50053, and 50055. The resolution shall require that the county auditor be informed of each act performed under the authorization.

History

Added [Stats 2004 ch 118 § 16 \(SB 1165\)](#). Amended [Stats 2011 ch 382 § 2 \(SB 194\)](#), effective January 1, 2012.

Former Sections:

Former Gov C § 5005, relating to false reports, was added Stats 1949 ch 81 § 1 and repealed Stats 1949 ch 1521 § 4. Historical derivation: Stats 1911 ch 550 § 3, as amended Stats 1915 ch 406 § 1, Stats 1937 ch 187 § 2.

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