

February 19, 1957

Memorandum No. 6

Subject: Study No. 25 - Right of Nonresident
Aliens to Inherit in California

This topic was included in the Commission's 1956 agenda resolution at the request of the Board of Governors of the State Bar. Professor Harold Horowitz of the School of Law, University of Southern California has been retained as our research consultant on this matter and we expect to have his study by June 1957 if not sooner.

S.B. 1062, introduced in January by Senator Cunningham, embodies a solution to the problem with which this study is concerned. If enacted, this bill would probably make the Commission's study moot. S.B. 1062 is similar to if not identical with a bill developed by the Committee on Administration of Justice of the State Bar in the course of its study of the right of nonresident aliens to inherit in California. S.B. 1062 is not a State Bar bill, however, the Board of Governors having taken the matter off its legislative program for the 1957 Session after we suggested that it would be inconsistent for them to press for legislation on the matter without waiting for the Law Revision Commission to complete the study which they had requested us to make.

While the source of S.B. 1062 is not known, it seems quite possible that it derives from a study made by the Senate Interim Judiciary Committee, of which Senator Cunningham was chairman, of a 1955 bill on the subject (A.B. 3761) which was referred to the Committee for interim study. S.B. 1062 is similar to but not identical with A.B. 3761. At a hearing held by the Senate Interim Judiciary Committee in San Francisco in December 1956 which Tom Stanton and I attended the

problem of the right of nonresident aliens to inherit was discussed. At that time, Mr. John Bohn, Counsel for the Committee, noted for the record that the Law Revision Commission has the matter under study.

The question now presented is whether this matter should be discussed with Senator Cunningham with a view to suggesting that legislation on this matter be deferred until 1959 or whether the Commission should suggest to its legislative members that when S.B. 1062 comes before the Judiciary Committees for hearing they call the attention of the committees to the fact that the matter is under study by the Commission. The latter course, you will recall, was the action taken with respect to the Uniform Arbitration Act and the Uniform Post-Conviction Procedure Act. In deciding this question you may wish to take into account the fact that in a preliminary draft of his study which Professor Horowitz sent to me for comment he specifically endorsed the measure proposed by CAJ, which, as I have said, is very similar to S.B. 1062.

Respectfully submitted,

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Executive Secretary