

Memorandum No. 30 (1960)

Subject: Commission bills not passed by Legislature.

A number of bills recommended by the California Law Revision Commission were not passed by the Legislature. At its July 1959 meeting the Commission considered this matter and made some decisions as indicated below. It is suggested that at its April 1960 meeting the Commission decide whether the bills it will resubmit to the 1961 legislative session will need to be reworked before submission. Also, we should inform the State Bar as soon as possible that we are going to resubmit certain of the bills so that the appropriate committee of the State Bar will have an opportunity prior to the session to consider the bills.

The following bills recommended by the Commission have not been passed by the Legislature:

1957 Session

Senate Bill No. 33 - Taking Instructions to Jury Room.

Note: This item is included on the Commission's Legislative agenda for 1961. The staff has not been able to find time to work on this topic but present plans call for the preparation of the necessary additional research study using assistance available to the Commission pursuant to the Commission's research contract with Stanford University.

Assembly Bills No. 246 (Retention of Venue for Convenience of

Witnesses), 247 (Dead Man Statute) and 248 (Marital Testimonial Privilege).

Note: At July 1959 meeting, Commission decided that none of the matters covered by these bills should be the subject of a recommendation to the 1961 Session of the Legislature.

1959 Session

Senate Bill No. 160 - Right of Nonresident Aliens to Inherit.

Note: At its July 1959 meeting, the Commission decided not to reintroduce this bill in 1961. In the January-February 1960 issue of the Journal of the State Bar of California, it is reported that the Board of Governors determined to sponsor this bill in 1961 if the California Law Revision Commission does not do so and, if the Commission does sponsor the bill in 1961, the Board of Governors has instructed the State Bar's Legislative Representative to support the bill. Professor Ebb of Stanford Law School told me informally that he thought that enactment of the bill in its present form would create as many problems as it would resolve. He objects primarily to the use of the Federal Government list. Consequently, it appears that additional work by the staff and additional consideration of the bill by the Commission will be necessary if this bill is to be reintroduced by the Commission in 1961.

Assembly Bill No. 400 - Overlapping Penal and Vehicle Code

Sections re Taking of Vehicles.

Note: At its July 1959 meeting, the Commission decided to continue this subject on its current agenda. This bill will need additional staff work and additional consideration by the Commission.

Assembly Bill No. 402 - Overlapping Penal and Vehicle Code

Sections re Drunk Driving.

Note: At its July 1959 meeting, the Commission decided to make no recommendation to the 1961 legislative session on this subject.

Assembly Bill No. 403 - Notice of Sale of All or Substantially

All of Corporate Assets by Corporation Formed to Make Such Sale.

Note: At its July 1959 meeting, the Commission decided to retain this subject on the Commission's current agenda for further consideration with a view to possibly making it the subject of a recommendation to the Legislature in 1961. The State Bar Committee on Corporations objected to this bill in 1959.

Respectfully submitted,

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Executive Secretary