

## Memorandum 2006-2

**2006 Legislative Program: Status of Bills**

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Attached to this memorandum is a chart showing the status of bills in the Commission's 2006 legislative program. We will update the information in the chart with any changes at the time of the Commission meeting. This memorandum supplements the information in the chart.

## PENDING LEGISLATION

**AB 69 (Harman) – Ownership of Amounts Withdrawn from Joint Account**

This measure passed the Assembly unanimously in 2005, but the Senate Judiciary Committee staff had concerns with it. We have been working with committee staff and the California Bankers Association to see whether we can devise an acceptable resolution before setting the bill for hearing in 2006. We have so far been unable to come to an agreement.

**AB 770 (Mullin)/SB 551 (Lowenthal) – CID Ombudsperson**

For a legislative update on these bills, see Memorandum 2006-12 (available at [www.clrc.ca.gov](http://www.clrc.ca.gov)).

**AB 1133 (Harman) – Waiver of Privilege By Disclosure**

This measure has passed the Assembly and is pending in the Senate Judiciary Committee, where it faces significant opposition. The Commission will need to revisit policy issues on the bill before setting it for hearing in 2006.

**SB 1104 (Sen. Banking, Finance and Insurance Comm.) – Financial Privacy**

This bill was held in Senate Judiciary Committee in 2005 to await developments in practice and in the courts. There being no resolution of these matters, the bill was not set for hearing. We have removed it from the bill chart.

## NOT YET INTRODUCED

### **Judicial Review of Emergency Rulemaking**

We made a tactical decision not to introduce legislation on this matter in 2005 due to controversy surrounding the Schwarzenegger administration's use of emergency rulemaking procedures.

This is a fairly small technical cleanup that doesn't merit its own bill. We will look for an appropriate vehicle to attach it to in 2006.

### **Enforcement of Money Judgment Under Family Code**

We are in the process of identifying an appropriate author to carry this legislation.

## ALSO OF INTEREST

### **AB 928 (J. Horton) – CLRC Study of Attorneys Fees**

This bill would prescribe attorneys fees in a collection action to enforce a contract and would sunset on January 1, 2010. The bill would also direct the Law Revision Commission to study the appropriate amount, if any, of a statewide fee scale for attorneys fees in a collection action to enforce a contract that provides for attorneys fees. The Commission's report, including recommendations, would be due by January 1, 2009.

The Assembly Judiciary Committee's analysis of the bill states:

Given that the bill's minimum 20 percent attorney's fees is based only on the average of the fees established by local rules, without independent research into what is actually involved in these cases, this bill requests that the California Law Revision Commission study the issue and make recommendations to the Legislature, within two years, on the appropriate amount of fees that it is reasonable to award in these cases. The bill's automatic fee awards are then sunsetted in three years in order to allow the Legislature to review the California Law Revision Commission study and revise or eliminate the automatic amount of attorney's fees, as appropriate.

The bill has passed the Assembly and is pending in the Senate.

### **AB 1162 (Mullin) – CLRC Study of Eminent Domain**

This bill would direct the Law Revision Commission to study whether the law governing the appraisal and valuation process in eminent domain

proceedings fairly compensates a condemnee for the taking of its property, including the role and importance of legal counsel for the condemnee. The Commission's report on this study, together with any recommendations for changes in the law, would be due by January 1, 2008.

The measure passed the Assembly in a different form and is pending in the Senate.

### **ACR 73 (McCarthy) – CLRC Study of Firearms Statutes**

This measure would direct the Commission to study, report on, and prepare recommended legislation concerning revision of the portions of the Penal Code relating to the control of deadly weapons. The intent is that legislation should accomplish the following objectives:

- (a) Reduce the length and complexity of current sections.
- (b) Avoid unnecessary use of cross-references.
- (c) Neither expand nor contract the scope of criminal liability under current provisions. In the event that the commission's draft changes the scope of criminal liability under the current provisions, this shall be made explicit in the commission's draft or any commentary related to the draft.
- (d) To the extent compatible with objective (c), use common definitions of terms.
- (e) Organize existing provisions in such a way that similar provisions are located in close proximity to each other.
- (f) Eliminate duplicative provisions.

The Commission's report on the matter would be due by July 1, 2008.

The measure has passed the Assembly and is pending in the Senate Public Safety Committee.

Respectfully submitted,

Nathaniel Sterling  
Executive Secretary

# Status of 2006 Commission Legislative Program

As of February 1, 2006

	<b>AB 69</b>	<b>AB 770</b>	<b>AB 1133</b>	<b>SB 551</b>	<b>SCR 15</b>		
<b>Introduced</b>	1/3/05	2/18/05	2/22/05	2/18/05	2/9/05		
<b>Last Amended</b>	3/1/05	Jan 18	4/14/05	Jan 17	6/20/05		
<b>First House</b>	2/22/05	Jan 12	4/12/05	Jan 9	6/21/05		
<b>Policy Committee</b>	—	Jan 18	—	Jan 17	7/12/05		
<b>Fiscal Committee</b>	3/7/05	Jan 30	4/21/05	Jan 30	8/22/05		
<b>Passed House</b>					8/25/05		
<b>Second House</b>	—		—		Jan 18		
<b>Fiscal Committee</b>					Jan 26		
<b>Passed House</b>					—		
<b>Concurrence</b>					—		
<b>Governor</b>					—		
<b>Received</b>					—		
<b>Approved</b>					—		
<b>Secretary of State</b>					Jan 31		
<b>Date</b>					Res 1		
<b>Chapter #</b>							

## Bill List:

AB 69 (Harman): Ownership of Amounts Withdrawn from Joint Account  
 AB 770 (Mullin): CID Ombudsperson  
 AB 1133 (Harman): Waiver of Privilege By Disclosure

SB 551 (Lowenthal): CID Ombudsperson  
 SCR 15 (Morrow; co-authors Dunn/ Escutia): CLRC Studies

## Also of Interest:

ACR 73 (McCarthy): CLRC Study of Firearms Statutes  
 AB 928 (J. Horton): CLRC Study of Attorneys Fees  
 AB 1162 (Mullin): CLRC Study of Eminent Domain

## KEY

*Italics*: Future or speculative

“—”: Not applicable

\*: Double referral, not fiscal

[date] : Deadline