

First Supplement to Memorandum 2008-11

2008 Legislative Program: SB 1264 (Harman)

Senate Bill 1264 (Harman) would implement the Commission's recommendation on *Revision of No Contest Clause Statute* (Jan. 2008). This memorandum reports on an amendment made to the bill. SB 1264 was heard and approved by the Senate Committee on the Judiciary on April 8, 2008.

Two related amendments were requested by the Committee and accepted by the author of the bill. The first amendment removes the bill's one year deferred operation date. The second revises proposed Probate Code Section 21315 to make the effect of the proposed law prospective only (with respect to the date of execution of an instrument). This will eliminate any need for review or revision of existing estate plans.

If the Commission is willing to accept that change as not fundamentally inconsistent with its recommendation, **the Comment to proposed Probate Code Section 21315 should be revised to read:**

Comment. Section 21315 provides that the chapter operates prospectively and does not affect an instrument executed before January 1, 2009. An instrument that is not governed by this chapter would be governed by the law that applied to the instrument prior to the operative date of this chapter. See Section 3(g).

Respectfully submitted,

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Executive Secretary