

Memorandum 2015-42

2015 Legislative Program (Status Report)

The attached table summarizes the status of the Commission's¹ 2015 legislative program. As indicated, both of the Commission's 2015 bills have been enacted. One of those bills, AB 139 (Gatto), is discussed further below. This memorandum also briefly discusses two bills that are relevant to a Commission study.

AB 139 (GATTO) — REVOCABLE TRANSFER ON DEATH DEED

Assembly Bill 139 (Gatto) authorizes the use of a revocable transfer on death deed. However, the new law is subject to a sunset provision. It will repeal by operation of law on January 1, 2021.²

Before the sunset provision operates, the Commission is required to study the revocable transfer on death deed law and make recommendations for its improvement (including a recommendation on whether it should continue in effect):

(a) The California Law Revision Commission shall study the effect of California's revocable transfer on death deed set forth in Part 4 (commencing with Section 5600) of Division 5 of the Probate Code and make recommendations in this regard. The commission shall report all of its findings to the Legislature on or before January 1, 2020.

(b) In the study required by subdivision (a), the commission shall address all of the following:

(1) Whether the revocable transfer on death deed is working effectively.

(2) Whether the revocable transfer on death deed should be continued.

¹ Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

² See 2015 Cal. Stat. ch. 293, § 17; Prob. Code § 5600(c).

(3) Whether the revocable transfer on death deed is subject to misuse or misunderstanding.

(4) What changes should be made to the revocable transfer on death deed or the law associated with the deed to improve its effectiveness and to avoid misuse or misunderstanding.

(5) Whether the revocable transfer on death deed has been used to perpetuate financial abuse on property owners and, if so, how the law associated with the deed should be changed to minimize this abuse.

(c) (1) The report required by subdivision (a) shall comply with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed on January 1, 2024.³

The staff will prepare a memorandum discussing this new study for consideration at the Commission's December 2015 meeting.

OTHER LEGISLATION OF INTEREST

The staff has been monitoring two bills that are relevant to the Commission's study of *State and Local Agency Access to Customer Information of Communication Service Providers*: SB 178 (Leno) and SB 690 (Stone):

- Senate Bill 178 was approved by the Legislature and was sent to the Governor on September 11, 2015. The Governor has not yet taken action on the bill. The staff will update the Commission on the status of this bill at the October meeting.
- Senate Bill 690 was amended on September 11, 2015. The amendments removed the material that related to the Commission's study.

Respectfully submitted,

Brian Hebert
Executive Director

3. 2015 Cal. Stat. ch. 293, § 21.

Status of 2015 Commission Legislative Program

As of September 28, 2015

		AB 139	AB 1527									
	Introduced Last Amended	1/9/15	3/18/15									
		8/26/15	—									
	First House	Policy Committee	3/17/15	4/28/15								
Second Committee		3/25/15	5/6/15									
Passed House		4/9/15	5/14/15									
Second House	Policy Committee	7/7/15	6/23/15									
	Second Committee	8/17/15	7/6/15									
	Passed House	8/31/15	7/9/15									
Concurrence		9/1/15										
Governor	Received Approved	9/15/15	8/3/15									
		9/21/15	8/10/15									
Secretary of State	Date Chapter #	9/21/15	8/10/15									
		293	154									

Bill List: AB 139 (Gatto): Revocable Transfer on Death Deed
 AB 1527 (Committee on Water, Parks, and Wildlife): Fish and Wildlife

Also of Interest:

SB 178 (Leno): Electronic Surveillance

KEY

Italics: Future or speculative

“—”: Not applicable

*: Double referral, not fiscal

[date]: Deadline