

AMENDED IN SENATE AUGUST 7, 2002
AMENDED IN SENATE JUNE 27, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 15, 2002
AMENDED IN ASSEMBLY MARCH 18, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1758

Introduced by Assembly Members Nakano and Shelley
(Coauthors: Assembly Members Alquist, Cedillo, Chavez, Cohn,
Diaz, Keeley, Koretz, Liu, Longville, Pavley, Salinas, Steinberg,
Strickland, Strom-Martin, and Wayne)
(Coauthors: Senators Alarcon, Escutia, Karnette, Kuehl, McClintock,
and Romero)

January 7, 2002

An act to add Section ~~354.7~~ 354.3 to the Code of Civil Procedure,
relating to limitation of actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, as amended, Nakano. Limitation of actions:
Holocaust-era artwork.

Existing law authorizes actions for the taking, detaining, or injuring
of any good or chattel, or for the specific recovery of personal property
to be commenced within 3 years. Existing law authorizes actions for the
theft of any article of historical, interpretive, scientific, or artistic

significance to be commenced within 3 years of the discovery of the article by various entities, as defined.

This bill would authorize any owner, or heir or beneficiary of the owner, of Holocaust-era artwork, as defined, to bring an action in superior court to recover that artwork from any museum or gallery. This bill would provide that any action brought under these provisions may not be dismissed for failure to comply with the applicable statute of limitation, provided the action is commenced on or before December 31, 2010.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) In addition to the many atrocities that befell the victims of
4 the Nazi regime, treasured pieces of artwork were wrongfully
5 taken.

6 (b) Thousands of victims of Nazi persecution, and the heirs of
7 victims of Nazi persecution, are residents of the State of
8 California. Many of these victims and descendants are
9 investigating the whereabouts of artwork that rightfully belonged
10 to their families.

11 (c) California has a moral and public policy interest in assuring
12 that its residents and citizens are given a reasonable opportunity to
13 commence an action in court for those pieces of artwork now
14 located in museums and galleries.

15 (d) Museums are committed to resolving claims for
16 Holocaust-era artwork in an amicable and timely manner, and to
17 undertaking every effort to conduct thorough provenance research
18 to identify artwork that may have been stolen during the Holocaust
19 era ~~era~~ Era.

20 (e) Currently, an individual has three years, after discovering
21 the whereabouts of the artwork, to commence an action in court.

22 (f) Due to the unique circumstances surrounding the theft of
23 Holocaust-era artwork, commencement of an action requires
24 detailed investigation in several countries, involving numerous
25 historical documents and the input of experts.



1 (g) In order to obtain all necessary data, investigating a
2 prospective action may take several years.

3 (h) The current three-year statute of limitation, after discovery
4 of the whereabouts of the artwork, is an insufficient amount of
5 time to finance, investigate, and commence an action.

6 (i) To the extent that the enactment of this act will extend the
7 statute of limitation, that extension of the limitation period is
8 intended to be applied retroactively, irrespective of whether the
9 claims were barred by any applicable statute of limitation under
10 any other provision of law prior to the enactment of this act.

11 SEC. 2. Section ~~354.7~~ 354.3 is added to the Code of Civil
12 Procedure, to read:

13 ~~354.7.~~

14 354.3. (a) The following definitions govern the construction
15 of this section:

16 (1) "Entity" means any museum or gallery that displays,
17 exhibits, or sells any article of historical, interpretive, scientific,
18 or artistic significance.

19 (2) "Holocaust-era artwork" means any article of artistic
20 significance taken as a result of Nazi persecution during the period
21 of 1929 to 1945, inclusive.

22 (b) Notwithstanding any other provision of law, any owner, or
23 heir or beneficiary of an owner, of Holocaust-era artwork, may
24 bring an action to recover Holocaust-era artwork from any entity
25 described in paragraph (1) of subdivision (a). Subject to Section
26 410.10, that action may be brought in a superior court of this state,
27 which court shall have jurisdiction over that action until its
28 completion or resolution. Section 361 does not apply to this
29 section.

30 (c) Any action brought under this section shall not be dismissed
31 for failure to comply with the applicable statute of limitation, if the
32 action is commenced on or before December 31, 2010.

