

AMENDED IN ASSEMBLY MAY 24, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2396

Introduced by Assembly Member Wiggins
(Coauthor: Assembly Member Jackson)

February 19, 2004

An act to add Section 1021.11 to the Code of Civil Procedure, relating to court costs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2396, as amended, Wiggins. Recovery of costs: securities and commodities enforcement actions.

The Corporate Securities Law of 1968 and the California Commodity Law of 1990 provide for regulation of certain securities and commodities transactions by the Commissioner of Corporations.

Existing law provides that a prevailing party in an action is entitled to recover court costs, which may include attorney's fees when authorized by contract or law.

This bill would require ~~the court to award to the Attorney General or the Commissioner of Corporations that all costs of investigating and prosecuting a civil action brought to enforce fees recovered by the Attorney General for the enforcement of the Corporate Securities Law of 1968 and the California Commodity Law of 1990, including expert fees, reasonable attorney's fees, and court costs, whenever the Attorney General or the Commissioner of Corporations prevails in the action.~~ The bill would require an award in this regard obtained by the Attorney General to be paid to the Public Rights Law Enforcement Special Fund, *as specified*.

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. Section 1021.11 is added to the Code of Civil
2 Procedure, to read:
3 1021.11. (a) Whenever the Attorney General ~~or the~~
4 ~~Commissioner of Corporations prevails is or represents the~~
5 ~~prevailing party, as defined in Section 1032,~~ in a civil action to
6 enforce the Corporate Securities Law of 1968 (Division 1
7 (commencing with Section 25000) of Title 4 of the Corporations
8 Code) or the California Commodity Law of 1990 (Division 4.5
9 (commencing with Section 29500) of Title 4 of the Corporations
10 Code), ~~the court shall award to the prevailing party all costs of~~
11 ~~investigating and prosecuting the action, including expert fees,~~
12 ~~reasonable attorney's fees, and court costs. An award under this~~
13 ~~section obtained by the Attorney General~~ *all costs and fees*
14 *recoverable under existing law* shall be paid to the Public Rights
15 Law Enforcement Special Fund established by Section 12530 of
16 the Government Code.
17 (b) This section shall apply to any action pending on January
18 1, 2005, and to any actions filed thereafter.

