

**ASSEMBLY BILL**

**No. 2674**

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**Introduced by Assembly Member Block  
(Coauthor: Assembly Member Portantino)**

February 19, 2010

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An act to amend Sections 782.5 and 4324 of the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2674, as introduced, Block. Family law: exemplary damages.

Existing law provides that, in addition to any other remedy authorized by law, when a spouse is convicted of attempting to murder the other spouse, as specified, the injured spouse shall be entitled to 100% of the community property interest in his or her retirement and pension benefits, and a prohibition of specified support or insurance benefits from the injured spouse to the other spouse, as specified. Existing law defines injured spouse for these purposes. Existing law also authorizes a court to award attorney's fees and costs in the form of a sanction in these cases, as specified.

This bill would expand these provisions to also apply when a spouse is convicted of soliciting the murder of the other spouse, 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 782.5 of the Family Code is amended to  
2 read:

1 782.5. In addition to any other remedy authorized by law, when  
2 a spouse is convicted of attempting to murder the other spouse, as  
3 punishable pursuant to subdivision (a) of Section 664 of the Penal  
4 Code, *or of soliciting the murder of the other spouse, as punishable*  
5 *pursuant to subdivision (b) of Section 653f of the Penal Code*, the  
6 injured spouse shall be entitled to an award to the injured spouse  
7 of 100 percent of the community property interest in the retirement  
8 and pension benefits of the injured spouse.

9 *As used in this section, "injured spouse" has the same meaning*  
10 *as defined in Section 4324.*

11 SEC. 2. Section 4324 of the Family Code is amended to read:

12 4324. In addition to any other remedy authorized by law, when  
13 a spouse is convicted of attempting to murder the other spouse, as  
14 punishable pursuant to subdivision (a) of Section 664 of the Penal  
15 Code, *or of soliciting the murder of the other spouse, as punishable*  
16 *pursuant to subdivision (b) of Section 653f of the Penal Code*, the  
17 injured spouse shall be entitled to a prohibition of any temporary  
18 or permanent award for spousal support or medical, life, or other  
19 insurance benefits or payments from the injured spouse to the other  
20 spouse.

21 As used in this section, "injured spouse" means the spouse who  
22 has been the subject of the attempted murder *or the solicitation of*  
23 *murder* for which the other spouse was convicted, whether or not  
24 actual physical injury occurred.