

Assembly Bill No. 2674

CHAPTER 65

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

[Approved by Governor July 9, 2010. Filed with Secretary of State July 9, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2674, 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.

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

SECTION 1. Section 782.5 of the Family Code is amended to read:

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

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

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

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

As used in this section, “injured spouse” means the spouse who has been the subject of the attempted murder or the solicitation of murder for which the other spouse was convicted, whether or not actual physical injury occurred.