

Assembly Bill No. 354

Passed the Assembly May 25, 2011

Chief Clerk of the Assembly

Passed the Senate June 10, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 859 of the Probate Code, relating to estates and trusts.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, Silva. Estates and trusts: property: wrongful taking.

Existing law provides that if a court finds that a person has, in bad faith, wrongfully taken, concealed, or disposed of property belonging to the estate of a decedent, conservatee, minor, or trust, the person is liable for twice the value of the property.

This bill would also establish liability for a person who has taken, concealed, or disposed of property, as described above, by use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, as defined.

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

SECTION 1. Section 859 of the Probate Code is amended to read:

859. If a court finds that a person has in bad faith wrongfully taken, concealed, or disposed of property belonging to the estate of a decedent, conservatee, minor, or trust, or has taken, concealed, or disposed of the property by the use of undue influence in bad faith or through the commission of elder or dependent adult financial abuse, as defined in Section 15610.30 of the Welfare and Institutions Code, the person shall be liable for twice the value of the property recovered by an action under this part. The remedy provided in this section shall be in addition to any other remedies available in law to a trustee, guardian or conservator, or personal representative or other successor in interest of a decedent.

Approved _____, 2011

Governor