

**Introduced by Senator Wieckowski**

December 1, 2014

An act to amend Section 4325 of the Family Code, relating to spousal support.

LEGISLATIVE COUNSEL'S DIGEST

SB 28, as introduced, Wieckowski. Spousal support factors: domestic violence conviction.

Existing law requires that in any proceeding for dissolution of marriage where there is a criminal conviction for an act of domestic violence perpetrated by one spouse against the other spouse entered by the court within 5 years prior to the filing of the dissolution proceeding, or at any time thereafter, there is a rebuttable presumption affecting the burden of proof that any award of temporary or permanent spousal support to the abusive spouse otherwise awardable should not be made.

This bill would provide that a plea of nolo contendere would constitute a criminal conviction for the above purposes.

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 4325 of the Family Code is amended to
- 2 read:
- 3 4325. (a) In any proceeding for dissolution of marriage where
- 4 there is a criminal conviction for an act of domestic violence
- 5 perpetrated by one spouse against the other spouse entered by the
- 6 court within five years prior to the filing of the dissolution
- 7 proceeding, or at any time thereafter, there shall be a rebuttable

1 presumption affecting the burden of proof that any award of  
2 temporary or permanent spousal support to the abusive spouse  
3 otherwise awardable pursuant to the standards of this part should  
4 not be made.

5 (b) The court may consider documented evidence of a convicted  
6 spouse’s history as a victim of domestic violence, as defined in  
7 Section 6211, perpetrated by the other spouse, or any other factors  
8 the court deems just and equitable, as conditions for rebutting this  
9 presumption.

10 (c) The rebuttable presumption created in this section may be  
11 rebutted by a preponderance of the evidence.

12 (d) *Notwithstanding Section 1016 of the Penal Code, a plea of*  
13 *nolo contendere constitutes a criminal conviction for the purposes*  
14 *of this section.*