

Introduced by Senator Harman

February 24, 2009

An act to amend Section 5020 of the Probate Code, relating to nonprobate transfers.

LEGISLATIVE COUNSEL'S DIGEST

SB 276, as introduced, Harman. Nonprobate transfers: community property.

Existing law provides that a provision for a nonprobate transfer of community property on death executed by a married person without the written consent of the person's spouse is not effective as to the nonconsenting spouse's interest in the property and does not affect the nonconsenting spouse's disposition on death of the spouse's interest in the community property.

This bill would make nonsubstantive, technical changes to these provisions.

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 5020 of the Probate Code is amended to
- 2 read:
- 3 5020. A provision for a nonprobate transfer of community
- 4 property on death executed by a married person without the written
- 5 consent of the person's ~~spouse~~ (1) *is spouse:*
- 6 (a) *Is not effective as to the nonconsenting spouse's interest in*
- 7 *the* ~~property and~~ (2) *does property.*

- 1 *(b)* Does not affect the nonconsenting spouse's disposition on
- 2 death of the nonconsenting spouse's interest in the community
- 3 property by will, intestate succession, or nonprobate transfer.