

Introduced by Senator Strickland

January 12, 2012

An act to amend Section 4324 of the Family Code, relating to spousal support.

LEGISLATIVE COUNSEL'S DIGEST

SB 966, as introduced, Strickland. Family law: spousal support.

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 or of soliciting the murder of the other spouse, the injured spouse shall be entitled to a prohibition of specified support or insurance benefits from the injured spouse to the convicted spouse. Existing law defines "injured spouse" for these purposes. Further, existing law authorizes a court to award attorney's fees and costs in the form of a sanction in these cases.

This bill would expand these provisions to also apply when a spouse is convicted of a specified violent sexual felony against the other spouse. This bill would also entitle an injured spouse under these provisions to a prohibition of attorney's fees from the injured spouse to the convicted spouse.

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 4324 of the Family Code is amended to
- 2 read:
- 3 4324. In addition to any other remedy authorized by law, when
- 4 a spouse is convicted of attempting to murder the other spouse, as

1 punishable pursuant to subdivision (a) of Section 664 of the Penal
2 Code, ~~or~~ of soliciting the murder of the other spouse, as punishable
3 pursuant to subdivision (b) of Section 653f of the Penal Code, *or*
4 *of a violent sexual felony against the other spouse as punishable*
5 *pursuant to paragraphs (3), (4), (5), (11), and (18) of subdivision*
6 *(c) of Section 667.5 of the Penal Code*, the injured spouse shall be
7 entitled to a prohibition of any temporary or permanent award for
8 spousal support or medical, life, or other insurance benefits or
9 payments, *or attorney's fees* from the injured spouse to the ~~other~~
10 *convicted* spouse.

11 As used in this section, "injured spouse" means the spouse who
12 has been the subject of the attempted murder, ~~or~~ the solicitation
13 of murder, *or the violent sexual felony* for which the other spouse
14 was convicted, whether or not actual physical injury occurred.