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September 9, 1999

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Connie Lemus  
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative related to spousal infidelity (File No. SA 1999 RF 0029 Amendment No. 1-S).

This measure provides that a spouse, as defined, who commits an act of infidelity, as defined, and the person with whom he or she commits the act (unless the person has no knowledge of the infidelity), are liable to the other spouse of either or both. The measure provides that the liability could take a number of forms, including loss of wages or income caused by emotional distress; damages for therapy incurred for recovery from the distress, including support for minor children; and a court-ordered apology to the aggrieved party. Current law does not provide such civil liability.

**Fiscal Effect**

The measure could result in costs to state government to process additional court cases. The magnitude of the costs is unknown and would depend on the number of such cases that are brought to court.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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B. Timothy Gage  
Director of Finance