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May 25, 1999

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

Attention: Ms. Connie Lemus
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Election Code Section 9005, we have reviewed the proposed initiative related to spousal infidelity (File No. SA 1999 RF 0015, Amdt. #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, is liable to the other spouse of either or both. The liability could include loss of wages or income caused by emotional distress, damages for therapy incurred for recovery from the distress, damages for loss of financial support, a court-ordered public apology, court-ordered jail time, and monetary compensation. Current law does not provide such civil liability.

Fiscal Effect

The measure could result in costs to the state and local governments to process additional court cases and for incarceration in county jails of persons who are ordered to jail

by the courts. The magnitude of the costs is unknown, but potentially significant, depending on the number of such cases that are brought to court.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

B. Timothy Gage
Director of Finance