

#34(L)

9/4/64

Memorandum 64-57

Subject: Study No. 34(L) - Uniform Rules of Evidence (Evidence Code--
Division 1--Preliminary Provisions and Construction)

We have received no comments on this division and have no questions
to raise for Commission consideration in connection with this division.

Respectfully submitted,

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An act to establish an Evidence Code, thereby consolidating and revising the law relating to evidence; amending various sections of the Business and Professions Code, Civil Code, Code of Civil Procedure, Corporations Code, Government Code, Health and Safety Code, Penal Code, and Public Utilities Code to make them consistent therewith; adding Sections 164.5, 3544, 3545, 3546, 3547, and 3548 to the Civil Code; adding Section 1908.5 to the Code of Civil Procedure; and repealing legislation inconsistent therewith.

The people of the State of California do enact as follows:

SECTION 1. The Evidence Code is enacted, to read:

EVIDENCE CODE

DIVISION 1. PRELIMINARY PROVISIONS AND CONSTRUCTION

1. Short title.

1. This code shall be known as the Evidence Code.

2. Common law rule construing code abrogated.

2. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this code. This code establishes the law of this State respecting the subject to which it relates, and its provisions are to be liberally construed, with a view to effect its objects and to promote justice.

3. Constitutionality.

3. If any provision or clause of this code or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

4. Construction of code.

4. Unless the provision or the context otherwise requires, these preliminary provisions and rules of construction shall govern the construction of this code.

5. Effect of headings.

5. Division, chapter, article, and section headings do not in any manner affect the scope, meaning, or intent of the provisions of this code.

6. References to statutes.

6. Whenever any reference is made to any portion of this code or of any other statute, such reference shall apply to all amendments and additions heretofore or hereafter made.

7. "Division," "chapter," "article," "section," "subdivision," and "paragraph."

7. Unless otherwise expressly stated:

(a) "Division" means a division of this code.

(b) "Chapter" means a chapter of the division in which that term occurs.

(c) "Article" means an article of the chapter in which that term occurs.

(d) "Section" means a section of this code.

(e) "Subdivision" means a subdivision of the section in which that term occurs.

(f) "Paragraph" means a paragraph of the subdivision in which that term occurs.

8. Construction of tenses.

8. The present tense includes the past and future tenses; and the future, the present.

9. Construction of genders.

9. The masculine gender includes the feminine and neuter.

10. Construction of singular and plural.

10. The singular number includes the plural; and the plural, the singular.

11. "Shall" and "may."

11. "Shall" is mandatory and "may" is permissive.

12. Code effective January 1, 1967.

12. This code shall become effective on January 1, 1967, and shall govern proceedings in actions brought on or after that date and also further proceedings in actions pending on that date. The provisions of Division 8 (commencing with Section 900) relating to privileges shall govern any claim of privilege made after December 31, 1966.