

#34

7/16/64

First Supplement to Memorandum 64-42

Subject: Study No. 34(L) - Uniform Rules of Evidence (Evidence Code--Division 2--Words and Phrases Defined)

The staff is concerned that the definition of "civil action" in Section 120 is not broad enough to include such proceedings as juvenile court proceedings. This concern arises out of an examination of the Code of Civil Procedure provisions that define a civil action. Accordingly, we suggest that Section 120 be revised to read:

120. "Civil action" includes any action or proceeding brought in a court, other than a criminal action.

Moreover, because of the importance of the definition of the word "court" to Sections 120, 130, and 160, we suggest that subdivision (b) of Section 300 be deleted and stated as a definition in a new section to be added to the definition article--Section 127.

Respectfully submitted,

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Executive Secretary