

2/15/73

Memorandum 73-21

Subject: Reporting Cases Holding California Statutes Unconstitutional

The Commission's enabling statute requires that each Annual Report include a report on cases decided by the United States and California Supreme Courts holding California statutes unconstitutional. We do not report court of appeal cases holding statutes unconstitutional.

The staff has always considered the task of preparing this report to be of doubtful value. The Commission does not submit bills to revise the statutes to conform to constitutional requirements. Ordinarily, the various special interest groups have already sponsored legislation to make needed revisions before our report is published. And, where this has not occurred, our report has not caused anyone to sponsor such revisions.

Justice Cobey advised me that he finds our report on cases holding California statutes unconstitutional to be a useful listing. He believes that the listing would be much more useful if it included court of appeal cases, and he suggests that the Commission consider recommending a change in its enabling statute to require that court of appeal cases be included in the Annual Report. To undertake to report the court of appeal cases holding statutes unconstitutional would greatly increase the amount of time and resources required to perform this aspect of the Commission's work. Does the Commission wish to allocate a significantly greater portion of staff and Commission time to this task?

Respectfully submitted,

John H. DeMouilly
Executive Secretary