

Second Supplement to Memorandum 94-12

Trial Court Unification: Authority of Attorney General (Position of California District Attorneys Association)

Attached is a letter we have received from the California District Attorneys Association reiterating their position that the status quo on the authority of the Attorney General may best be maintained by leaving Article V, Section 13 of the California Constitution unchanged. They also suggest that it would be advisable for the Commission to include in its commentary a statement to the effect that trial court unification maintains the status quo with respect to the powers of the Attorney General.

This position is consistent with the staff proposal in the First Supplement to Memorandum 94-12.

Respectfully submitted,

Nathaniel Sterling
Executive Secretary



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February 4, 1994

Sanford Skaggs, Chairperson
California Law Revision, Commission
4000 Middlefield Road, Suite D-2
Palo Alto, CA 94303-4739

Law Revision Commission

FEB 10 1994

FEB 04 1994

File: _____
Re: _____

Dear Chairperson Skaggs:

This letter is submitted on behalf of the California District Attorneys Association, to respectfully urge the Law Revision Commission to draft Constitutional Amendment 3 in a manner that maintains the existing authority and jurisdiction of the Attorney General. We concur completely with the Attorney General on this point, as evidenced by our joint letter to the Commission dated February 2, 1994.

It is our shared opinion that maintaining the current language of Article V, section 13, coupled with existing caselaw, will accomplish this end. It may well be prudent for the Commission to include in its Comments a statement to the effect that trial court unification maintains the status quo with respect to the powers of the Attorney General.

We also wish to advise the Commission that CDAA continues to carefully analyze this significant and complex Senate Constitutional Amendment. While we do not intend to oppose this measure "in principle" while it is in the legislature, it is quite likely that CDAA will identify other specific areas of concern for possible amendment. We appreciate this opportunity to address the Commission.

Very truly yours,


Gregory D. Totten
Executive Director

GDT/ar

By fax and by mail