

Memorandum 2010-13

2010 Legislative Program

The attached table summarizes the status of the Commission's 2010 legislative program. The staff will supplement that information orally at the April meeting.

In addition, the staff intends to prepare separate memoranda discussing developments on the Commission bills that were held over as two-year bills: SB 105 (Harman) on donative transfer restrictions and SB 189 (Lowenthal) on mechanics lien law.

Other noteworthy developments are discussed below.

Omnibus Judiciary Committee Bill

The staff's efforts to include Commission recommendations in the Assembly Committee on Judiciary's civil practice omnibus bill (AB 2767) were only partially successful.

The recommendation on *Trial Court Restructuring: Part 5* (2009) will be included in the bill, with the exception of two provisions that were deemed too controversial for inclusion in a committee bill — Government Code Sections 26806 and 69894.5. For relevant background on those provisions, see Memorandum 2010-3, pp. 4-6.

Unfortunately, the Commission's recommendation on *Marketable Record Title: Notice of Option* (2009) was not included in the omnibus bill. That decision does not reflect a judgment that the proposal lacks merit. Rather, it reflects a concern that the proposal might be too substantive for inclusion in an omnibus committee bill. The staff will keep its eyes open for other possible vehicles for this proposal. Worst case, we will work to find an author for introduction in 2011.

Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

Deadly Weapons

Senate Bills 1080 (Committee on Public Safety) and 1115 (Committee on Public Safety) would implement the Commission's recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes*. The bills are pending in the Senate Committee on Public Safety.

SB 1080 is the heart of the proposal. It would reorganize most of the deadly weapon statutes (Penal Code §§ 12000-12809) in a new Part 6 of the Penal Code. SB 1115 is a companion bill consisting of conforming revisions.

SB 1080 was recently amended to make the following changes:

- The list of weapons in proposed Penal Code Section 32105 was revised in three places to correct discrepancies between the Commission's recommendation and the bill as introduced. As revised, the list conforms to the Commission's recommendation and the corresponding provision in existing law (Penal Code § 12132(h)).
- The heading of proposed Chapter 2 of Division 6 of Title 4 of Part 6 was revised to conform to the Commission's recommendation ("Issuance, Forfeiture, and Conditions of License to Sell, Lease, or Transfer Firearms at Retail").
- In proposed Penal Code Section 25910(b), "pursuant to 25915" was corrected to read "pursuant to *Section 25915*." (Emphasis added.) Similar corrections were made in proposed Penal Code Sections 26725(c) and 28230(a)(4).
- A period was inserted at the end of proposed Penal Code Section 27125(c).
- The introductory clause of proposed Penal Code Section 27560(e)(4) was revised as shown in underscore: "Make persons subject to the provisions of this section aware of all of the following" The provision was previously reformatted at the suggestion of the Office of Legislative Counsel. The (i)-(iv) labels used by the Commission were replaced with (A)-(D) subparagraphs.

These changes are purely technical and do not require Commission ratification.

SB 1080 and SB 1115 are scheduled to be heard by the Committee on Public Safety on April 6. So far, we are not aware of any opposition.

Respectfully submitted,

Brian Hebert
Executive Secretary

Status of 2010 Commission Legislative Program

As of March 26, 2010

		AB 2767		SB 105	SB 189	SB 1080	SB 1115				
Introduced Last Amended		2/26/10		1/27/09	2/18/09	2/17/10	2/17/10				
				—	2/4/10						
First House	Policy Committee			5/5/09	1/12/10	<i>4/6/10</i>	<i>4/6/10</i>				
	Fiscal Committee			—	1/19/10						
	Passed House			5/14/09	1/25/10						
Second House	Policy Committee										
	Fiscal Committee										
	Passed House										
Concurrence											
Governor	Received										
	Approved										
Secretary of State	Date										
	Chapter #										

Bill List: AB 2767 (Judiciary Committee): Trial Court Restructuring: Part 5
 SB 105 (Harman): Donative Transfer Restrictions
 SB 189 (Lowenthal): Mechanics Liens
 SB 1080 (Public Safety Committee): Deadly Weapons
 SB 1115 (Public Safety Committee): Deadly Weapons — Conforming Revisions

Also of Interest:
 AB 1723 (Lieu & Emmerson): Hearsay

KEY
Italics: Future or speculative
 “—”: Not applicable
 *: Double referral, not fiscal
 [date]: Deadline