

## Memorandum 2011-12

**2011 Legislative Program: Status Report**

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Five Commission recommendations have been introduced as bills in 2011:

- *Statutory Clarification and Simplification of CID Law* (2011) was introduced as Assembly Bills 805 and 806 (Torres).
- *Nonsubstantive Reorganization of Deadly Weapon Statutes: Clean-Up Legislation* (2011) was introduced as Assembly Bill 1402 (Committee on Public Safety)
- *Mechanics Lien Law: Clean-Up Legislation* (2011) was introduced as Senate Bill 190 (Lowenthal).
- *Marketable Record Title: Notice of Option* (2010) was introduced as Senate Bill 284 (Harman).
- *Obsolete Cross-References to Former Code of Civil Procedure Section 116.780(d)* (2010) was introduced as part of Senate Bill 647 (Committee on Judiciary).

The staff had also applied for *Trial Court Restructuring: Rights and Responsibilities of the County as Compared to the Superior Court (Part 1)* (2010) to be included in SB 647, which is the annual civil practice omnibus bill. The application was denied for process reasons (rather than any objection to the merits of the recommendation). The staff will discuss this development further at the meeting and will be on the watch for other possible vehicles for this recommendation.

All of the bills are proceeding well, as summarized in the attached table.

Technical drafting issues relating to the content of AB 1402 are discussed below.

The memorandum concludes by noting a number of bills that are relevant to the Commission's work.

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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](http://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.

AB 1402 (COMMITTEE ON PUBLIC SAFETY). NONSUBSTANTIVE REORGANIZATION  
OF DEADLY WEAPON STATUTES: CLEAN-UP LEGISLATION

Assembly Bill 1402 (Committee on Public Safety) would implement the Commission's recommendation on *Nonsubstantive Reorganization of Deadly Weapon Statutes: Clean-Up Legislation* (2011). In the bill and the pre-print version of the recommendation, the staff incorporated a few minor changes from the version approved by the Commission. The staff took this step pursuant to its authority to make minor revisions "where necessary to conform to the Commission's policy decisions or to correct technical defects." CLRC Handbook Rule 2.7.4.

Those changes were:

- *Correction of an incomplete cross-reference.* Code of Civil Procedure Section 527.6(u) currently cross-refers to "Title 1.6C (commencing with Section 1788) of the Civil Code." That cross-reference is incomplete. The reference should be to "Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code." In AB 1402 and the pre-print recommendation, this cross-reference has been fixed. The staff also revised the Comment to Section 527.6(u) to note this correction.
- *Deletion of an unnecessary comma.* The Commission proposed to amend a sentence in Code of Civil Procedure Section 527.85(q)(7) as follows: "The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section, and ~~Section Sections~~ 273.6 and ~~subdivision (g) of Section 12021 29825~~ of the Penal Code." In AB 1402, the comma after "purposes of this section" has been deleted, because it is not needed.
- *Correction of an error in conforming a cross-reference.* Penal Code Section 171.7(c)(2) currently cross-refers to "Section 12027." When the nonsubstantive reorganization of the deadly weapon statutes becomes operative, the substantive portions of Section 12027 will be recodified in two chunks: (1) Article 2 (commencing with Section 25450) of Chapter 2 of Division 4 of Title 4 of Part 6 of the Penal Code, and (2) Penal Sections 25615 to 25655. In preparing drafts of the clean-up bill, however, the staff mistakenly referred to Penal Code Sections 25450 to 25475, instead of Sections 25615 to 25655. This error has been corrected in AB 1402 and the pre-print recommendation.

These matters came to the staff's attention in reviewing the bill as prepared by the Office of Legislative Counsel. We are grateful to that office for helping to catch these problems.

In preparing AB 1402, the Office of Legislative Counsel also made a number of changes that the staff has not incorporated into the Commission's pre-print recommendation. Those changes were:

- The Office of Legislative Counsel labeled the paragraphs in Education Code Section 49330 differently than in the Commission's recommendation.
- The Office of Legislative Counsel labeled some previously unlabeled paragraphs in the following provisions: Gov't Code § 6254(q); Penal Code §§ 1203.4(a), (e); 1203.4a(a), 2962(a), 11105(c)(10)(A); Welf. & Inst. Code § 8103(f)(2), (h).
- In Penal Code Section 2962, the Office of Legislative Counsel changed "Department of Corrections" to "Department of Corrections and Rehabilitation" in four places, and changed "Board of Prison Terms" to "Board of Parole Hearings" in three places.

These changes appear unobjectionable, but the staff did not see a need to put the Commission's stamp of approval on them by incorporating them into its recommendation.

#### OTHER ITEMS OF INTEREST

As indicated on the attached table, there are several bills this year that are notable for their connection to the Commission's work. The staff will be monitoring the progress of these bills and will respond to any inquiries that we may receive about them.

- Two bills have been introduced to regulate charter schools. The first, AB 269 (Ma) would make all public school health and safety laws applicable to charter schools. The second, AB 360 (Brownley), would make general open meeting, public records, and conflict of interest laws applicable to charter schools.
- One bill, AB 1331 (Davis) would extend the deferred operation date of last year's reorganization of deadly weapon statutes (enacted as 2010 Cal. Stat. ch. 178 and 2010 Cal. Stat. ch. 711), from January 1, 2012, to January 1, 2017.
- One bill, SB 77 (Committee on Budget & Fiscal Review) would assign a new study to the Commission, requiring the Commission to: "draft a Community Redevelopment Law cleanup bill for consideration by the Legislature no later than January 1, 2013."

Three bills would reintroduce Commission recommendations that had previously been considered by the Legislature, but not enacted:

- AB 699 (Wagner) would introduce a proposal that is mostly consistent with the Commission's recommendation on *Revocable Transfer on Death (TOD) Deed*, 36 Cal. L. Revision Comm'n Reports 103 (2006).
- AB 810 (Wagner) would introduce some elements of *Statutes Made Obsolete by Trial Court Restructuring: Part 5* (2009), which had been dropped from last year's civil practice omnibus bill.
- SB 273 (Harman) would introduce the Commission's recommendation on *Ownership of Amounts Withdrawn from Joint Account*, 34 Cal. L. Revision Comm'n Reports 199 (2004).

Respectfully submitted,

Brian Hebert  
Executive Director

# Status of 2011 Commission Legislative Program

As of April 11, 2011

		AB 805	AB 806	AB 1402		SB 190	SB 284	SB 647			
<b>Introduced</b>		2/17/11	2/17/11	3/2/11		2/8/11	2/14/11	2/18/11			
<b>Last Amended</b>							3/29/11				
<b>First House</b>	Policy Committee	4/6/11	4/6/11	4/12/11		3/29/11	3/29/11				
	Second Committee	4/26/11	4/26/11			—	—				
	Passed House										
<b>Second House</b>	Policy Committee										
	Second Committee										
	Passed House										
<b>Concurrence</b>											
<b>Governor</b>	Received										
	Approved										
<b>Secretary of State</b>	Date										
	Chapter #										

**Bill List:** AB 805 (Torres): Statutory Clarification and Simplification of CID Law  
 AB 806 (Torres): Statutory Clarification and Simplification of CID Law (Conforming Revisions)  
 AB 1402 (Committee on Public Safety): Deadly Weapons: Clean-Up Legislation  
 SB 190 (Lowenthal): Mechanics Lien Law: Clean-Up Legislation  
 SB 284 (Harman): Marketable Record Title: Notice of Option  
 SB 647 (Committee on Judiciary): Obsolete Cross-References to former Code Civ. Proc. § 116.780(d)

Also of Interest:

AB 269 (Ma): Charter School Health and Safety  
 AB 360 (Brownley): Charter Schools and Open Government Laws  
 AB 699 (Wagner): Revocable Transfer on Death Deed  
 AB 810 (Wagner): Translation/Interpretation for Courts and Counties (Trial Court Restructuring: Part 5)  
 AB 1331 (Davis): Operative Date for Nonsubstantive Reorganization of Deadly Weapon Statutes  
 SB 77 (Committee on Budget & Fiscal Review): Redevelopment Act Cleanup  
 SB 273 (Harman): Ownership of Amounts Withdrawn from Joint Account

KEY

*Italics:* Future or speculative

“—”: Not applicable

\*: Double referral, not fiscal

[date]: Deadline