

## Memorandum 2023-4

**2023 Legislative Program (Status Report)**

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As described below, the staff is working with the Legislature to introduce bills to implement a number of Commission recommendations.<sup>1</sup>

**Administrative Subpoena**

Assembly Member Kalra (the current Assembly Member of the Law Revision Commission) has agreed to introduce a bill to implement the Commission's recommendation on *State and Local Agency Access to Electronic Communications: Notice of Administrative Subpoena* (Mar. 2022).

One minor change was made when the Legislative Counsel Deputy prepared the bill draft. Proposed Government Code Section 11181.5(b)(5) was revised as follows:

(b) In addition to any other requirements that govern the use of an administrative subpoena, an administrative subpoena can only be used to obtain a customer's electronic communication information from a service provider if all of the following conditions are satisfied:

...  
(5) The department has served a proof of service on the service provider, ~~attesting to~~ stating its compliance with paragraphs (1) through (4), inclusive.

The deputy had expressed concern that the use of "attesting" would imply the penalty of perjury, which would create a new crime, which would result in an unfunded mandate on local government, which would complicate the legislative process. The staff did not recall any particular attachment to "attesting" and assented to the change. **If the Commission accepts that change,**

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<sup>1</sup>. 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. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

**the recommendation could be revised to conform to it. If the Commission prefers the original language, it could be restored.**

### **Fish and Game**

The staff is working with the Assembly Committee on Water, Parks, and Wildlife toward the use of a committee bill to implement the imminent Fish and Game recommendation.<sup>2</sup>

### **Trial Court Unification**

The staff is working with the Assembly Committee on Judiciary toward the use of a committee bill to implement the following recommendations:

- (1) *Statutes Made Obsolete by Trial Court Restructuring: Part 8* (Jan. 2022).
- (2) *Statutes Made Obsolete by Trial Court Restructuring (Part 9): Jurisdictional Classification of a Drug Asset Forfeiture Proceeding* (Aug. 2022).

### **Stock Cooperatives and Revocable Transfer on Death Deeds**

The staff is in discussion with a possible author for this proposal.

Respectfully submitted,

Brian Hebert  
Executive Director

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<sup>2</sup>. See draft attached to Memorandum 2023-6