

## MEMORANDUM 2024-4

### 2024 Legislative Program (Status Report)

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This memorandum identifies the materials for the Commission's 2024 Legislative Program. This memorandum describes staff efforts to identify legislative authors and vehicles to implement Commission-recommended reforms and the Commission's resolution of authority.<sup>1</sup>

#### **Administrative Subpoena**

The staff will provide a status update on Assembly Bill 522 (Kalra) in Memorandum 2024-7.

#### **Resolution of Authority**

The staff is pleased to inform the Commission that Assembly Member Ash Kalra, who is a Commission member and the Chair of the Assembly Judiciary Committee, has agreed to carry the Resolution of Authority of the Commission. The staff is grateful for Assembly Member Kalra's assistance.

Government Code Section 8293 provides for the enactment of a concurrent resolution, at least once per two-year legislative session, setting out a calendar of topics that are authorized for study by the Law Revision Commission. The new resolution will reauthorize the topics authorized by the most recently enacted version of this resolution.<sup>2</sup>

The topics authorized by Resolution Chapter 108 of the Statutes of 2021 are the following:

#### **1. Creditors' Remedies**

Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), confession of judgment procedures, default

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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.

<sup>2</sup> 2021 Cal. Stat. res. ch. 108 ; see also Memorandum 2023-47, p. 16; Minutes (Dec. 2023), p. 3.

judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.

## **2. Probate Code**

Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code, and related matters.

## **3. Real and Personal Property**

Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, powers of termination, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant on assignment, subletting, termination, or abandonment of a lease, and related matters.

## **4. Family Law**

Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption, guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.

## **5. Discovery in Civil Cases**

Whether the law relating to discovery in civil cases should be revised.

## **6. Evidence**

Whether the Evidence Code should be revised.

## **7. Alternative Dispute Resolution**

Whether the law relating to arbitration, mediation, and other alternative dispute resolution techniques should be revised.

## **8. Administrative Law**

Whether there should be changes to administrative law.

## **9. Trial Court Unification**

Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.

## **10. Contract Law**

Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.

## **11. Place of Trial in Civil Cases**

Whether the law governing the place of trial in a civil case should be

revised.

## **12. Fish and Game Code**

Whether the Fish and Game Code and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law.

## **13. Toxic Substances**

The Legislature authorizes and requests that the California Law Revision Commission study, report on, and prepare recommended legislation to revise Chapter 6.5 (commencing with Section 25100) and Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, and related provisions, to improve the organization and expression of the law. Such revisions may include, but are not limited to, grouping similar provisions together, reducing the length and complexity of sections, eliminating obsolete or redundant provisions, and correcting technical errors. The recommended revisions shall not make any substantive changes to the law. The commission's report shall also include a list of substantive issues that the commission identifies in the course of its work, for possible future study.

## **14. Emergencies**

Whether the law should be revised to provide special rules that would apply to an area affected by a state of disaster or emergency declared by the federal government, a state of emergency proclaimed by the Governor under Section 8625 of the Government Code, or a local emergency proclaimed by a local governing body or official under Section 8630 of the Government Code. Before beginning a study under this authority, the commission shall provide notice to legislative leadership and any legislative policy committee with jurisdiction over the proposed study topic and shall consider any formal or informal feedback received in response to the notice.

## **Trial Court Restructuring**

In 2023, Assembly Bill 1756 (Committee on Judiciary) was enacted. That bill included reforms from two Commission recommendations on Trial Court Restructuring (“TCR”). As noted in a 2023 Legislative Program memorandum,<sup>3</sup> a Commission-recommended amendment to Penal Code Section 2620 was omitted from that legislation. The staff has requested that the amendment be considered for inclusion in a committee bill this session.

In addition, the Commission will be considering approval of a final TCR

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<sup>3</sup> Memorandum 2023-36, p. 2.

recommendation proposing repeal of Penal Code Section 1463.5.<sup>4</sup> The staff has also made inquiries about possible inclusion of this repeal in a committee bill (pending final Commission approval).

### **Conforming Revisions for Recodifications**

The staff has continued to monitor the status of chaptered out conforming revisions for the Commission's recently implemented recodifications of the California Public Records Act and the Carpenter-Presley-Tanner Hazardous Substance Account Act.

The Commission staff has requested that these conforming revisions be considered for inclusion in the annual maintenance of the codes bill.

Respectfully submitted,

Sharon Reilly  
Executive Director

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<sup>4</sup> Memorandum 2024-9.