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MINUTES OF MEETING  
CALIFORNIA LAW REVISION COMMISSION  
JUNE 10, 2009  
SACRAMENTO

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A meeting of the California Law Revision Commission was held in Sacramento on June 10, 2009.

**Commission:**

*Present:* Pamela L. Hemminger, Chairperson  
Susan Duncan Lee, Vice-Chairperson  
Diane F. Boyer-Vine, Legislative Counsel  
Sidney Greathouse  
Frank Kaplan  
William E. Weinberger

*Absent:* Ellen Corbett, Senate Member  
Noreen Evans, Assembly Member  
Justice John Zebrowski (ret.)

**Staff:** Brian Hebert, Executive Secretary  
Barbara Gaal, Chief Deputy Counsel  
Catherine Bidart, Staff Counsel  
Steve Cohen, Staff Counsel  
Anne Shiau, Student Legal Assistant

**Consultants:** None

**Other Persons:**

Mike Belote, California Judges Association  
Lindsay Nichols, Legal Community Against Violence



1 Commission's recommendation on *Revision of No Contest Clause Statute:*  
2 *Conforming Revisions*, 38 Cal. L. Revision Comm'n Reports 203 (2008).

3           STUDY H-403 — MARKETABLE RECORD TITLE: NOTICE OF OPTION

4           The Commission considered Memorandum 2009-25 and its First Supplement,  
5 presenting a staff draft of a tentative recommendation on the expiration of record  
6 notice of an option to purchase real property.

7           The Commission approved the tentative recommendation for distribution,  
8 subject to two changes:

- 9           (1) A request for comment on the six-month time period used in  
10           existing law will be removed.  
11           (2) A provision will be added to defer the operation of the proposed  
12           law for one year.

13           STUDY H-856 — COMMON INTEREST DEVELOPMENT LAW:  
14           NONRESIDENTIAL ASSOCIATIONS

15           The Commission considered Memorandum 2009-24 and its First and Second  
16 Supplements, concerning nonresidential common interest developments.

17           The Commission directed the staff to prepare an analysis of the provisions of  
18 the Davis-Stirling Common Interest Development Act that categorizes all  
19 provisions of the Act by function (e.g., voting, meetings, access to records, etc.),  
20 and then analyzes whether each functional category of provisions should be  
21 applicable to nonresidential CIDs. The analysis will be based on (1) the factors  
22 identified in Memorandum 2009-24 and its First Supplement, and (2) the general  
23 question of whether a nonresidential CID business relationship should be treated  
24 differently from other business relationships.

25           STUDIES J-1404 — STATUTES MADE OBSOLETE  
26           BY TRIAL COURT RESTRUCTURING: PART 5

27           The Commission considered Memorandum 2009-26 and its First Supplement,  
28 discussing statutes made obsolete by trial court restructuring. The Commission  
29 directed the staff to prepare a draft of a tentative recommendation incorporating  
30 the draft revisions set forth in Memorandum 2009-26.

1                   STUDY M-300 — NONSUBSTANTIVE REORGANIZATION OF  
2                   DEADLY WEAPON STATUTES

3           The Commission considered Memorandum 2009-27, its First and Second  
4 Supplements, and Memorandum 2009-28, relating to nonsubstantive  
5 reorganization of the deadly weapon statutes.

6           The Commission made the following decisions:

7           **Corrections and Staff Suggestions for Improvement**

8           The Commission approved the revisions described in (1) the list of  
9 “Corrections and Staff Suggestions for Improvement” attached to Memorandum  
10 2009-27, and (2) the list of “Corrections and Staff Suggestions for Improvement”  
11 attached to Memorandum 2009-28.

12           Subject to further revisions as discussed below, the Commission approved the  
13 new versions of the preliminary part, Appendix A, and Appendix B attached to  
14 Memorandum 2009-27.

15           **Word Count and Section Count**

16           The staff should adjust the word count and section count in footnote 29 of the  
17 preliminary part as necessary to reflect any revisions of the proposed legislation.

18           **Joint Informational Hearing**

19           The final recommendation should not say anything about a joint  
20 informational hearing.

21           **Bureau of Alcohol, Tobacco, and Firearms**

22           At pages 4-5, Memorandum 2009-27 raises the issue of whether statutory  
23 references to the “Bureau of Alcohol, Tobacco, and Firearms” should be changed  
24 to the “Bureau of Alcohol, Tobacco, Firearms, and Explosives.” The Commission  
25 decided to add that issue to its list of “Minor Clean-Up Issues for Possible Future  
26 Legislative Attention” (Appendix B).

27           **Terminology Relating to Preparation of Minutes**

28           The terminology issue raised at page 5 of Memorandum 2009-27 (“in the  
29 minutes” vs. “on the minutes”) should not be added to the Commission’s list of  
30 “Minor Clean-Up Issues for Possible Future Legislative Attention.”

1 **Target Shooting**

2 Proposed Penal Code Sections 26545, 27135, 27735, 27910, 28100, 31765, and  
3 31800 should read as shown at pages 6-8 of Memorandum 2009-27.

4 The possibility of revising these provisions to improve clarity should be  
5 added to the Commission's list of "Minor Clean-Up Issues for Possible Future  
6 Legislative Attention."

7 **Proposed Penal Code Section 26210. Change of Licensee's Address**

8 Proposed Penal Code Section 26210 should be revised to read:

9 26210. (a) When a licensee under this article has a change of  
10 address, the license shall be amended to reflect the new address  
11 and a new license shall be issued pursuant to subdivision (b) of  
12 Section 26215.

13 (b) The licensee shall notify the licensing authority in writing  
14 within 10 days of any change in the licensee's place of residence.

15 (c) If both of the following conditions are satisfied, a license to  
16 carry a concealed handgun may not be revoked solely because the  
17 licensee's place of residence has changed to another county:

18 (1) The licensee has not breached any of the conditions or  
19 restrictions set forth in the license.

20 (2) The licensee has not become prohibited by state or federal  
21 law from possessing, receiving, owning, or purchasing a firearm.

22 (d) Notwithstanding subdivision (c), if a licensee's place of  
23 residence was the basis for issuance of a license, any license issued  
24 pursuant to Section 26150 or 26155 shall expire 90 days after the  
25 licensee moves from the county of issuance.

26 (e) If the license is one to carry loaded and exposed a pistol,  
27 revolver, or other firearm capable of being concealed upon the  
28 person, the license shall be revoked immediately upon a change of  
29 the licensee's place of residence to another county.

30 **Comment.** Subdivision (a) of Section 26210 continues former  
31 Section 12050(f)(2) without substantive change.

32 Subdivision (b) continues former Section 12050(f)(4)(A) without  
33 substantive change.

34 Subdivisions (c) and (d) continue former Section 12050(f)(4)(B)  
35 without substantive change.

36 Subdivision (e) continues former Section 12050(f)(4)(C) without  
37 substantive change.

38 See Section 16530 ("firearm capable of being concealed upon the  
39 person," "pistol," and "revolver").

40 The staff should delete Item #74 from the list of "Minor Clean-Up Issues for  
41 Possible Future Legislative Attention" (i.e., the issue of "whether the language

1 now found in Penal Code Section 12050(f)(4)(B) should be revised to better reflect  
2 its intent”).

### 3 **Statements of Legislative Intent**

4 Proposed Penal Code Sections 16005, 16010, 16015, 16020, and 16025 should  
5 be revised as shown at pages 11-13 of Memorandum 2009-27.

### 6 **Article 3 (commencing with Section 25500) of Chapter 2 of Division 5 of Title 4** 7 **of Proposed Part 6 of the Penal Code**

8 The leadline for each exemption in this article should be revised to indicate  
9 that it pertains to an exemption.

10 The provision restricting the effect of the article (proposed Penal Code Section  
11 25500) should be relocated to the end of the article and renumbered accordingly.  
12 The staff should make conforming revisions as necessary to reflect this change.

### 13 **References to Former Law as Opposed to the Proposed Law**

14 For purposes of the Commission’s final recommendation, proposed Penal  
15 Code Sections 30635, 30640, and 30735 should be revised as shown at pages 16-18  
16 of Memorandum 2009-27.

17 However, the Legislative Counsel expressed concern about the terminology  
18 used to refer to former provisions of law (e.g., “former Section 12281” or “former  
19 Chapter 2.3 (commencing with Section 12275) of Title 2 of Part 4”). Commission  
20 staff should work with the Office of Legislative Counsel and key stakeholders to  
21 resolve how to handle this matter as the Commission’s recommendation is  
22 converted into legislation.

### 23 **Supplemental Disposition Table**

24 The Commission discussed whether to include a supplemental disposition  
25 table in its recommendation and, if so, how.

26 The Commission decided to include a supplemental disposition table, as  
27 shown on pages 465-76 of the attachment to the First Supplement to  
28 Memorandum 2009-27. However, the corresponding entries in the regular  
29 disposition table should be in the format shown in boldface on pages 435-63 of  
30 the attachment to the Second Supplement to Memorandum 2009-27.

31 An asterisk or similar symbol should be inserted after each such entry. There  
32 should be a note at the bottom of each page, explaining that the asterisk indicates  
33 that further information is available in the supplemental disposition table.

1 **Education Code Section 49330. "Injurious Object" Defined**

2 The Commission's recommendation should not include any amendment of  
3 Education Code Section 49330.

4 The issue of how to conform Education Code Section 49330 should be added  
5 to the Commission's list of "Minor Clean-Up Issues for Possible Future  
6 Legislative Attention."

7 **Fish and Game Code Section 2006. Loaded Rifle or Shotgun**

8 The Commission's recommendation should include the amendment of Fish  
9 and Game Code Section 2006 that is shown on page 5 of Memorandum 2009-28.

10 **Definition of "Assault Weapon" in Welfare and Institutions Code Sections 676**  
11 **and 8104**

12 The issue of how to define "assault weapon" for purposes of Welfare and  
13 Institutions Code Sections 676 and 8104 should be added to the Commission's list  
14 of "Minor Clean-Up Issues for Possible Future Legislative Attention."

15 **Location of Conforming Revisions**

16 The Commission should submit a single recommendation to the Legislature,  
17 which includes the conforming revisions at the end.

18 If the conforming revisions are later placed in a separate bill from the main  
19 proposal, there should be an uncodified provision in that bill, which makes clear  
20 that the bill is nonsubstantive (see, e.g., the provision shown at pages 6-7 of  
21 Memorandum 2009-28).

22 **Approval of a Final Recommendation**

23 Subject to the revisions described above, the Commission approved the  
24 material in the two tentative recommendations as its final recommendation, for  
25 printing and submission to the Legislature.

APPROVED AS SUBMITTED

\_\_\_\_\_  
Date

APPROVED AS CORRECTED  
(for corrections, see Minutes of next meeting)

\_\_\_\_\_  
Chairperson

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Executive Secretary