
APPROVED MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
JUNE 4, 2015
SACRAMENTO

A meeting of the California Law Revision Commission was held in Sacramento on June 4, 2015.

Commission:

Present: Victor King, Chairperson
Crystal Miller-O'Brien, Vice Chairperson
Diane F. Boyer-Vine, Legislative Counsel
Xochitl Carrion
Judge Patricia Cowett (Ret.)
Susan Duncan Lee

Absent: Damian Capozzola
Assembly Member Ed Chau
Taras Kihiczak

Staff: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Counsel
Kristin Burford, Staff Counsel
Steve Cohen, Staff Counsel

Consultants: None

Other Persons:

Lawrence Doyle, Conference of California Bar Associations
Rachel K. Ehrlich, Ehrlich Mediation
Patrick J. Evans
James Ewert, California Newspaper Publishers Association
Lindsey Gullahorn, Capitol Advocacy
Ron Kelly
Nicole Moore, California Newspaper Publishers Association
Harold M. Thomas, Butte County District Attorney's Office
John S. Warnlof, California Dispute Resolution Council

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1

APPROVAL OF ACTIONS TAKEN

2

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted in connection with the affected decision.

7

(Commissioner Boyer-Vine was present only briefly, near the beginning of the meeting. She was not present when any of the decisions described in these Minutes were made.)

10

MINUTES OF APRIL 9, 2015, COMMISSION MEETING

11

Memorandum 2015-14 presented a draft of the Minutes of the April 9, 2015, Commission meeting. The Commission approved the Minutes, without change.

13

(Commissioner Miller-O'Brien was not present when this decision was made.)

14

ADMINISTRATIVE MATTERS

15

Report of Executive Director

16

The Executive Director reported that there has been no change to the Commission's proposed budget for 2015-16.

18

The Executive Director recognized Anita Barooni, a second-year law student at King Hall School of Law, currently serving the Commission as its King Hall Fellow.

20

1 Commissioner Carrion announced that she accepted a position with the
2 District Attorney's Office for the City and County of San Francisco. Due to her
3 new position, she will not be applying for reappointment to the Commission and
4 will not be able to attend the August 2015 meeting (the last before her term
5 expires).

6 **Meeting Schedule**

7 The Commission considered Memorandum 2015-15, discussing the
8 Commission's meeting schedule.

9 The Commission decided to hold two meetings each year at King Hall School
10 of Law in Davis, one in each academic term.

11 The staff will talk to law school personnel about the possibility of holding an
12 informal reception with students after the October meeting.

13 *(Commissioner Miller-O'Brien was not present when these decisions were made.)*

14 2014 LEGISLATIVE PROGRAM

15 The Commission considered Memorandum 2015-16, reporting on the
16 Commission's 2015 legislative program. No Commission action was required or
17 taken.

18 STUDY D-1200 — RECOGNITION OF TRIBAL AND FOREIGN COURT MONEY JUDGMENTS

19 The Commission considered Memorandum 2015-17 and its First Supplement,
20 providing background for the study on the recognition of tribal and foreign court
21 money judgments. No Commission action was required or taken.

22 STUDY G-301 — GOVERNMENT INTERRUPTION OF COMMUNICATION SERVICE

23 The Commission considered Memorandum 2015-18 and its First Supplement,
24 introducing the study and discussing government interruption of a specific
25 communication service that is used in an unlawful enterprise.

26 The Commission made the following decisions:

- 27 • The study will examine state and local agency action to interrupt
28 communication service.
- 29 • The study will include analysis of "push notifications," such as
30 Amber Alerts. The Commission will contact California agencies
31 that initiate such notices, to invite their participation in the study.

- 1 • The Commission will investigate broadening the application of
2 Public Utilities Code Section 7908 to include all forms of electronic
3 communications.
- 4 • The Commission will investigate whether there are legitimate
5 purposes for government interruption of communications, other
6 than the abatement of unlawful activity and the protection of
7 public health, safety, and welfare.
- 8 • Once the Commission has considered the legitimate purposes for
9 government interruption of communications, it will consider the
10 extent to which interruption should be permitted in non-urgent
11 circumstances (with prior notice and an opportunity to be heard).
- 12 • The Commission invites public comment on whether Public
13 Utilities Code Section 7908(b)(1)(B) should be revised to
14 incorporate a probable cause standard.
- 15 • The Commission will investigate whether Public Utilities Code
16 Section 7908 should provide for a prompt post-interruption
17 opportunity for a hearing on the merits of the government's
18 allegations.
- 19 • Public Utilities Code Section 7908(d) should be revised to correct
20 an obsolete reference to the California Emergency Management
21 Agency.
- 22 • The Commission will examine the relationship between Public
23 Utilities Code Section 7908 and the federal Emergency Wireless
24 Protocol.
- 25 • The Commission will investigate broadening the application of
26 Public Utilities Code Section 7907 to include all forms of electronic
27 communication. If this change is not made, the Commission will
28 clarify the relationship between Sections 7907 and 7908.
- 29 • The Commission will investigate broadening the application of
30 Business and Professions Code Sections 149 and 7099.10 to include
31 all forms of electronic communication.
- 32 • The Commission will investigate whether Business and
33 Professions Code Sections 149 should include the ban on
34 forwarding to a terminated communication service that is included
35 in Section 7099.10.
- 36 • The Commission will investigate broadening the application of
37 Public Utilities Code Sections 5322 and 5371.6 to include all forms
38 of electronic communication.
- 39 • The Commission invites input from the Public Utilities
40 Commission on whether Public Utilities Code Sections 5322 and
41 5371.6 should be revised to include a pre-termination notice and
42 hearing procedure, for use in less-urgent circumstances.
- 43 • The Commission postponed making any decision about
44 coordination with federal law, until it has fuller information on the
45 subject.

- 1 • In the proposed amendment of Health and Safety Code Section
2 131052(6), a reference to Section 1115 was replaced with a
3 reference to Section 7115.

APPROVED AS SUBMITTED

Date

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

Chairperson

Executive Director