

## MEMORANDUM 2024-43

### 2024 Legislative Program (Status Report)

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This memorandum identifies the materials for the Commission's 2024 Legislative Program. This memorandum provides updates on legislation to implement Commission-recommended reforms and the Commission's resolution of authority.<sup>1</sup> In addition, this memorandum describes two bills that proposed to assign the Commission new study topics.

### STATUS UPDATES

#### Administrative Subpoena

As indicated in [Memorandum 2024-27](#), [Assembly Bill 522](#), authored by Assembly Member Kalra, did not move forward this legislative session. [Memorandum 2024-48](#) discusses next steps for the Commission's work on this topic.

#### Resolution of Authority

Assembly Member Kalra, who is a Commission member and the Chair of the Assembly Judiciary Committee, introduced [Assembly Concurrent Resolution 169](#) as the Resolution of Authority of the Commission. The staff is grateful for Assembly Member Kalra's assistance. The resolution passed the Legislature and was chaptered on July 2, 2024.<sup>2</sup>

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 Commission. This new resolution reauthorizes the topics authorized by the prior version of this resolution.<sup>3</sup> The topics authorized by ACR 169 are described in [Memorandum 2024-4](#).

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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> 2024 Cal. Stat. res. ch. 138.

<sup>3</sup> 2021 Cal. Stat. res. ch. 108 (ACR 24); see also Memorandum 2023-47, p. 16; Minutes (Dec. 2023), p. 3.

## Outstanding Trial Court Restructuring Reforms

In its work on trial court restructuring, the Commission recommended reforms to two Penal Code sections that have not yet been enacted.<sup>4</sup> These reforms are included in the Senate Committee on Public Safety’s annual omnibus bill.<sup>5</sup> The bill passed the Legislature and was chaptered on September 23, 2024.

## Conforming Revisions for Recodifications

The staff continues 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 annual maintenance of the codes bill included several of these conforming revisions<sup>6</sup> and was chaptered on July 2, 2024.<sup>7</sup>

## PROPOSED NEW ASSIGNMENTS

Two bills in the most recent Legislative session proposed to assign the Commission new study work. A brief description of the study assignments are included below. This memorandum also provides a status update on the bills.

### **AB 1906 (Gipson) Study on Removing the Terms “Dependent Adult” and “Dependent Person” from the California Codes**

On March 13, 2024, [AB 1906](#) was amended to require the Commission to study removing the terms “dependent adult” and “dependent person” from the California codes. In its findings and declarations, AB 1906, as amended August 22, 2024, states, among other things, that:

[t]he terms “dependent adult” and “dependent person” are misleading because many of the people with disabilities that those terms cover live independently. These terms can mislead law enforcement officers, social workers, and even crime victims and their families to think that many people with disabilities are excluded from the law’s protections.

To address concerns about the use of those terms in the codes, AB 1906 would require the Commission to conduct a study as follows:

(c)(1) The commission shall, with input from stakeholders, including, but not

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<sup>4</sup> See [Memorandum 2024-4](#), pp. 3–4.

<sup>5</sup> [SB 1518 \(Committee on Public Safety\)](#).

<sup>6</sup> [SB 1525 \(Committee on Judiciary\)](#).

<sup>7</sup> [2024 Cal. Stat. ch. 80](#).

limited to, the state protection and advocacy agency designated pursuant to Division 4.7 (commencing with Section 4900) of the Welfare and Institutions Code, complete and submit to the Legislature a study on how to remove the terms “dependent adult” and “dependent person” from California code sections, including, but not limited to, code sections that use the term “dependent” in conjunction with the term “elder” to describe the physical or financial abuse of persons who are elders or persons with a disability, including, but not limited to, the Penal Code, Welfare and Institutions Code, and Civil Code.

(2) As part of the study, the commission shall convene a working group that includes all of the following:

(A) The state protection and advocacy agency.

(B) The State Department of Social Services.

(C) Groups representing persons who are described by the current definitions of “dependent adults” and “dependent persons.”

(D) Persons who are described by the current definitions of “dependent adults” or “dependent persons.”

(3) The study shall identify all existing California code sections regarding persons who meet the definition of “dependent adult” and “dependent person” that should be amended in accordance with this subdivision.

(4) The study shall include recommendations on how to revise existing California code sections in order to remove “dependent adult” and “dependent person” and replace those terms with new terminology in a manner that would describe these adults in a respectful way and that would preserve the legal rights and protections of both of the following groups of persons in a comprehensive and consistent manner:

(A) Persons who meet the definition of “dependent adult” and “dependent person” as currently recognized in statute, regulation, and case law.

(B) Persons who do not meet the definition of “dependent adult” and “dependent person” but are described in conjunction with such persons, including elders who are protected by laws governing “elder and dependent adult abuse.”

(d)(1) The requirement for submitting the study imposed under subdivision (c) is inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government Code.

(2) The study to be submitted pursuant to subdivision (c) shall be submitted in compliance with Section 9795 of the Government Code.<sup>8</sup>

The bill passed the Legislature and was chaptered on September 14, 2024.<sup>9</sup>

### **AB 2125 (Garcia) Study on Recusal of Judicial Officers**

On April 10, 2024, [AB 2125](#) was amended to require the Commission to study the

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<sup>8</sup>The [August 22, 2024](#) amendments added the State Department of Social Services to the working group required by the bill and deleted language that would have required the Commission to study related regulations.

<sup>9</sup> 2024 Cal.Stat. ch. 233.

recusal of judicial officers for prejudice and conflict of interest.<sup>10</sup> At that time, AB 2125 would also have expanded existing judicial officer removal rules to apply to appellate justices whose decisions are reversed by the California Supreme Court if the case were remanded to the appellate court for additional action. However, that provision was removed by amendments of May 16, 2024.

For the Commission study assignment, AB 2125 would have added Section 170.6.1 to the Code of Civil Procedure. That section would have provided:

(a) On or before September 30, 2027, the California Law Revision Commission shall deliver to the Legislature a study regarding recusal of judicial officers for prejudice and conflict of interest.

(b) In developing the study required by this section, the California Law Revision Commission shall consult with the Commission on Judicial Performance.

(c) The study shall, at minimum, include a discussion of the following:

(1) The effectiveness of Section 170.6 [of the Code of Civil Procedure] and other existing mechanisms in eliminating bias in judicial proceedings.

(2) The prevalence of judicial officers hearing matters in which the canons of judicial ethics should have warranted a recusal.

(3) The impact on case hearing times of judicial recusals.

(4) The costs to the courts and to litigants of judicial recusals.

According to the [Assembly Committee on Judiciary Analysis](#),<sup>11</sup> the study was proposed in response to concerns raised by stakeholders about the existing statutory framework for judicial recusal and removal for bias.

The bill was held on suspense in Senate Appropriations and thus did not move forward in the 2023-24 Legislative Session.

Respectfully submitted,

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Executive Director

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<sup>10</sup> [Memorandum 2024-12](#), pp. 2–4.

<sup>11</sup> See Assembly Committee on Judiciary Analysis of AB 2125 (April 9, 2024), pp. 7–8.