

Hi, this is Chris Micheli, with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law.

Today's podcast is an examination of the California Law Revision Commission. The Law Revision Commission was established almost 70 years ago as an independent state agency, and its purpose is to assist the Legislature and the Governor in reviewing and making suggested reforms to state statutes.

The Commission conducts numerous studies on an ongoing basis, looking closely at California law and recommending needed reforms to these laws.

It's comprised of seven members, and those seven commissioners are appointed for four-year terms by the Governor, and of course, there is advice and consent of the Senate, meaning they're confirmed by the State Senate.

In addition, there's one State Senator appointed and one Assemblymember appointed, and then the Legislative Counsel is an ex-officio member.

The Commission reviews California statutes as well as California appellate court decisions in order to discover any defects, or anachronisms, or other issues with California law, and to recommend legislation to make changes.

Beginning January 1, 2020, there's also in state law a Committee on Revision of the Penal Code, which is five separate members appointed by the Governor, plus a State Senator and State Assemblymember. Again, these five committee members are separate and apart from the seven commissioners.

Both the committee members and the commissioners are only paid \$100 per diem rate plus their expenses, so they're not salaried positions. While the commissioners choose one of their colleagues, one of their fellow commissioners as the chair of the Law Revision Commission, the Governor selects the chair of the Committee of Penal Code Revisions.

The Commission can also select an Executive Director and appoint professional clerical and other assistants or their staff as may be necessary. The State Library provides research and information, and actually, under state statute, all state agencies are required to provide information and reasonable assistance to the Commission in terms of research and any data.

The State Bar Board of Trustees is required to assist both the Commission and the Committee itself in their work. There are limitations. The commissioners and the committee members and their staff are prohibited from engaging in any political or lobbying activity.

The Commission, the California Law Revision Commission is charged by statute to do four things. A, examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

B, to receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association, and any other learned bodies.

C, to receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally regarding any defects and anachronisms in the law.

D, to recommend from time to time such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of the state into harmony with modern conditions.

Also, under the statutes, the Commission is to recommend the repeal of the any statute that's been held to be unconstitutional by the US Supreme Court or the California Supreme Court. Both the Law Revision Commission and the Penal Code Revisions Committee are required by law to submit reports and recommendations to the Governor and Legislature.

By the way, the Commission compiles a report every two-year legislative session that contains a calendar of the topics that have been selected for the Law Revision Commission to study. Both the commission and the committee members are required to confer and cooperate with any legislative committees on revisions to the law.

They're also allowed to cooperate with bar associations or other entities around the state that are appropriate or suitable for fulfilling these duties.

The Commission operates in public, so all of its business meetings are open to the public. They post official minutes on their website, as well as any decisions that the commission makes in its meetings.

Note that there is a formal process for the California Law Revision Commission to utilize when they consider and approve any recommendations to changes in the law. Basically, the commission makes a preliminary decision on a law that's being proposed to be changed. That tentative recommendation is released, and then the commission seeks public comment on their proposed changes.

After taking that into account, then a final recommendation is approved by the Commission and sent to the Governor and the Legislature.

When the Commission makes its final recommendation, it also includes an explanation of the proposed changes along with any comments that accompany these different code sections that are proposed to be changed.

It's interesting to note that the Commission, their recommendations have resulted in changes to over 22,500 sections of the codes, which is basically 90 percent of the Commission's recommendations have been enacted into law. They also have a searchable index of the memoranda that they provide, as well as any final reports and recommendations.

All of these statutes that govern the Commission and the Committee are found again in the Government Code in sections 8280 to 8298.

That's our overview of the California Law Revision Commission. I hope you found it helpful. Thanks for joining today's podcast.