

## First Supplement to Memorandum 2018-20

**Trial Court Restructuring Clean-Up: Obsolete “Constable” References  
(Draft Tentative Recommendation)**

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Memorandum 2018-20 presents a draft of a tentative recommendation on *Trial Court Restructuring Clean-Up: Obsolete “Constable” References*.<sup>1</sup> On re-reading that draft, the staff realized that the “Summary of Tentative Recommendation” is not sufficiently clear.

As currently written, item #1 in the summary might make a reader think the Commission is proposing to prepare and pursue an initiative measure focusing on the obsolete “constable” references in Penal Code Sections 412 and 413. The draft later explains, however, that a stand-alone measure would not be appropriate due to the costs and burdens of the initiative process.<sup>2</sup>

**The summary should be revised to make that point clear from the outset.** That could be done by revising item #1 as shown in underscore below:

- (1) *Constable References in Code Sections Previously Amended by a Statewide Initiative.* Two Penal Code provisions still refer to constables (Penal Code §§ 412, 413). These provisions cannot be amended through the normal legislative process, because they were last amended through a statewide vote on an initiative measure. The Commission tentatively recommends that they be amended through the initiative process to delete the obsolete references to constables. Due to the cost of that process, however, a stand-alone measure is not warranted. It appears preferable to combine these technical amendments with other reforms when an appropriate opportunity arises.

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1. 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.

2. See Memorandum 2018-20, Attachment p. 3.

**Would the Commission like to make this change?**

Respectfully submitted,

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