

First Supplement to Memorandum 2018-21

**Statutes Made Obsolete by Trial Court Restructuring (Part 6):
Court Facilities**

Memorandum 2018-21¹ discusses the court facilities provisions in Chapter 10 of Title 8 of the Government Code (hereafter, “Chapter 10”) and suggests a number of reforms to remove material made obsolete by trial court restructuring. This supplement provides some further information pertinent to that discussion.

Unless otherwise indicated, all statutory references in this memorandum are to the Government Code.

INTRODUCTORY ARTICLE (ARTICLE 1)

Article 1 of Chapter 10 currently consists of a single code section (Section 73301). Memorandum 2018-21 suggests repealing that section as obsolete.²

Because Section 73301 is the only section in the article, however, the entire article should be repealed. That could be done as follows:

Gov’t Code §§ 73301-73301 (repealed). General Provisions

SEC. _____. Article 1 (commencing with Section 73301) of Chapter 10 of Title 8 of the Government Code is repealed.

Comment. The article comprised of Section 73301 is repealed as obsolete. Section 73301 pertains to employees of courts that were long ago superseded by municipal courts, which in turn were eliminated through trial court unification, a process that was completed in early 2001.

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). 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 2018-21, pp. 3-4.

Note. The text of the repealed article is set out below.

Article 1. San Luis Obispo County

§ 73301. Prior service in court superseded by municipal court

73301. Persons who succeeded to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and, in addition to the minimum rate, such persons shall receive the annual increments commensurate with such years of prior service up to the maximum rate set. This section applies to municipal courts provided for in former Articles 3, 7, 12, 13, 15, 18, 22, 23, 29, 31, and 32 of this chapter.

For purposes of a tentative recommendation, is this approach acceptable to the Commission?

CONFORMING REVISIONS

The legislation suggested in Memorandum 2018-21 would affect numerous provisions in the Government Code: Sections 73301, 73390, 73396, 73560, 73561, 73660, 73661, 73698, 73698.6, 73730, 73732, 73750, 73756, 73770, 73771, 73783.1, 73783.3, 73784, 73784.10, 73790, 73792, 73796, 73956, 74602, 74640, 74640.2, 74720, 74724, 74760, 74764, 74820, 74820.1, 74915, 74916, 74934, 74935.5, 74948, 74950, 74960, and 74962.

The staff searched the codes for cross-references to these provisions, to determine whether any conforming revisions would be necessary. We did not find any such cross-references.

Respectfully submitted,

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