

MEMORANDUM 2024-23

2024 Legislative Program (Status Report)

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.¹ In addition, this memorandum describes pending legislation that would assign the Commission new study topics.

Administrative Subpoena

The staff will provide a status update on Assembly Bill 522 (Kalra) in Memorandum 2024-27.

Resolution of Authority

As the Commission knows, Assembly Member Ash Kalra, who is a Commission member and the Chair of the Assembly Judiciary Committee, has 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 has passed the Assembly and is now pending in the Senate Judiciary Committee.

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. The new resolution will reauthorize the topics authorized by the most recently enacted version of this resolution.²

The topics that would be authorized by ACR 169 are described in [Memorandum 2024-4](#).

Outstanding Trial Court Restructuring Reforms

In its work on trial court restructuring, the Commission has recommended reforms to

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 2021 Cal. Stat. res. ch. 108 ([ACR 24](#)); see also [Memorandum 2023-47](#), p. 16; [Minutes \(Dec. 2023\)](#), p. 3.

two Penal Code sections that have not yet been enacted.³ These reforms are included in the Senate Committee on Public Safety’s annual omnibus bill.⁴ That bill is now in the Assembly and has been referred to the Committee on Public Safety.

Conforming Revisions for Recodifications

The staff has continued 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. These conforming revisions are included in the annual maintenance of the codes bill.⁵ That bill was introduced in the Senate and is now in the Assembly, where it has been referred to the Committee on Judiciary.

PROPOSED NEW ASSIGNMENTS

As noted in the prior legislative program memorandum,⁶ two pending bills would assign the Commission new study work. For both bills, the language of the Commission study assignment is the same as presented in the prior memorandum. For ease of reference, a brief description of the study assignment is included below. This memorandum also provides an update of where the bills are in the legislative process.

The staff will continue to monitor these bills and provide updates to the Commission.

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

³ See [Memorandum 2024-4](#), pp. 3-4.

⁴ See [SB 1518](#).

⁵ [SB 1525](#).

⁶ [Memorandum 2024-12](#), pp. 2-4.

(c)(1) The commission shall, with input from stakeholders, including, but not 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) Groups representing persons who are described by the current definitions of “dependent adults” and “dependent persons.”
- (C) Persons who are described by the current definitions of “dependent adults” or “dependent persons.”

(3) The study shall identify all existing California code sections and provisions of the California Code of Regulations 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 and provisions of the California Code of Regulations 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.

The bill has passed the Assembly and has been referred to the Senate Judiciary Committee.

AB 2125 (Garcia) Study on Recusal of Judicial Officers

On April 10, 2024, AB 2125 was amended to require the Commission study the recusal of judicial officers for prejudice and conflict of interest. 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.

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

- (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] 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 the Judiciary Analysis](#) (pp. 7-8), the study is in response to concerns raised by stakeholders about the existing statutory framework for judicial recusal and removal for bias.

On May 16, 2024, the bill was amended to remove the proposed changes to existing judicial officer removal rules and would now only require Commission study, as described above.

The bill passed the Assembly and is pending assignment in the Senate Rules Committee.

Respectfully submitted,

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Executive Director