

Admin.

March 22, 2022

## Memorandum 2022-24

**Minutes of Meeting on March 17, 2022 (Draft)**

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The California Law Revision Commission held a meeting on March 17, 2022, by teleconference.<sup>1</sup> A draft of Minutes for that meeting is attached for Commissioners to review.

The attached draft will be deemed final after it is approved by a vote of the Commission. When voting, the Commission may make specific changes to the Minutes. If so, those changes will be memorialized in the Minutes for the meeting at which the vote occurred.

The Bagley-Keene Open Meeting Act provides that attendees cannot be required to identify themselves.<sup>2</sup> As a means of observing that rule, the Commission is only listing attendees who have affirmatively consented to being identified in the Minutes, as part of the registration process required for those who wish to attend the meeting.

Respectfully submitted,

Brian Hebert  
Executive Director

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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. Gov't Code § 11124.



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**DRAFT MINUTES OF MEETING**  
**CALIFORNIA LAW REVISION COMMISSION**  
**March 17, 2022**

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A meeting of the California Law Revision Commission was held on March 17, 2022. Consistent with Executive Order N-1-22, the meeting was held as an online video webinar.

Only those members of the public who expressly consented to being identified in the Minutes are listed as attendees.

**Commission:**

*Present:* Richard Simpson, Chairperson  
David A. Carrillo, Vice-Chairperson  
Xochitl Carrion  
Ana Cubas  
Cara Jenkins, Legislative Counsel  
Victor King

*Absent:* Assembly Member Ash Kalra  
Senator Richard D. Roth  
Amb. (r.) David Huebner  
Jane McAllister

**Staff:** Brian Hebert, Executive Director  
Kristin Burford, Staff Counsel  
Steve Cohen, Staff Counsel

**Other Persons:**

Wendy Bogdan, Department of Fish and Wildlife  
Angela Donlan, Department of Fish and Wildlife  
Julie Oltmann, Department of Fish and Wildlife

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1 APPROVAL OF ACTIONS TAKEN

2 Unless otherwise indicated, the Commission decisions noted in these Minutes  
3 were approved by all members present at the meeting. If a member who was  
4 present at the meeting voted against a particular decision, abstained from voting,  
5 or was not present when the decision was made, that fact will be noted below.

6 MINUTES

7 The Commission considered Memorandum 2022-18, presenting draft Minutes  
8 of the February 17, 2022, meeting. The Commission approved the Minutes  
9 without change. (*Commissioner Carrion was not present when the decision was made.*)

10 ADMINISTRATIVE MATTERS

11 **Report of Executive Director**

12 The Executive Director reported on the following matters:

- 13 • The Commission’s April meeting has been canceled. The 2022  
14 meeting schedule will be revisited at the May 12, 2022, meeting.
- 15 • The Commission has hired two new employees. Joy Haviland will  
16 serve as counsel for the Committee on Revision of the Penal Code.  
17 Megan Hayenga will serve as an office technician.
- 18 • The Executive Director is working toward changing the agency’s  
19 staff structure. The proposal is to eliminate the position of Chief  
20 Deputy Director when it becomes vacant, and reclassify it as an  
21 Assistant Chief Counsel. In addition, a vacant attorney position  
22 assigned to the Committee on Revision of the Penal Code will be  
23 reclassified as an Assistant Chief Counsel.

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2022 LEGISLATIVE PROGRAM

The Commission considered Memorandum 2022-19, discussing the Commission’s 2022 legislative program.

The Commission approved two technical amendments to Assembly Bill 1716 (Maienschein), as set out on pages one and two of the memorandum. The staff will ask that Assembly Member Maienschein’s make those changes to the bill.

STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION  
FROM COMMUNICATION SERVICE PROVIDERS

The Commission considered Memorandum 2022-20, discussing public comment on a tentative recommendation that the law be revised to require notice to a customer when an administrative subpoena is used to obtain the customer’s records from a communication service provider. The Commission approved the tentative recommendation as a final recommendation, for submission to the Governor and Legislature.

STUDY R-100 — FISH AND GAME LAW

The Commission considered Memorandum 2022-15, discussing the Commission’s proposed reorganization of the Fish and Game Code. The Commission did not decide to proceed with a proposal to create a new Fish and Wildlife Code. Instead, the Commission will investigate the possibility of conducting a series of narrower organizational reforms in the existing Fish and Game Code. For the next meeting, the Commission directed the staff to prepare at least a partial draft of a proposed reorganization of Division 2 of the Fish and Game Code. That reorganization will propose the relocation of chapters as intact units (without disturbing their internal organization). Commissioners also asked that the staff prepare a discussion of the costs and benefits of such a reorganization and a general plan for future incremental reorganization work.

The Commission also considered Memorandum 2022-22 and its First Supplement, presenting public comment on proposed revision of specific provisions of the Fish and Game Code. The Commission approved all staff recommendations made in those materials, except that the proposed revision of Fish and Game Code Section 3407 was not approved. The Chair noted a possible

1 ambiguity in that provision, which the staff will discuss with the Department of  
2 Fish and Wildlife before recommending further action.

3 Finally, the Commission considered Memorandum 2022-23. No Commission  
4 action was required or taken with regard to that memorandum.

5 STUDY X-100 — EMERGENCY-RELATED REFORMS

6 The Commission considered Memorandum 2022-21, which discusses the  
7 Commission's study on emergency-related reforms and presents possible  
8 approaches for the work on this topic. The Commission decided to proceed with  
9 work on an informational report (presented as option #3 on page 12 of the  
10 memorandum).

11 *(Commissioner Carrillo abstained from this decision).*

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